







I affectionately dedicate this work to that  
brilliant Mexican journalist and publisher

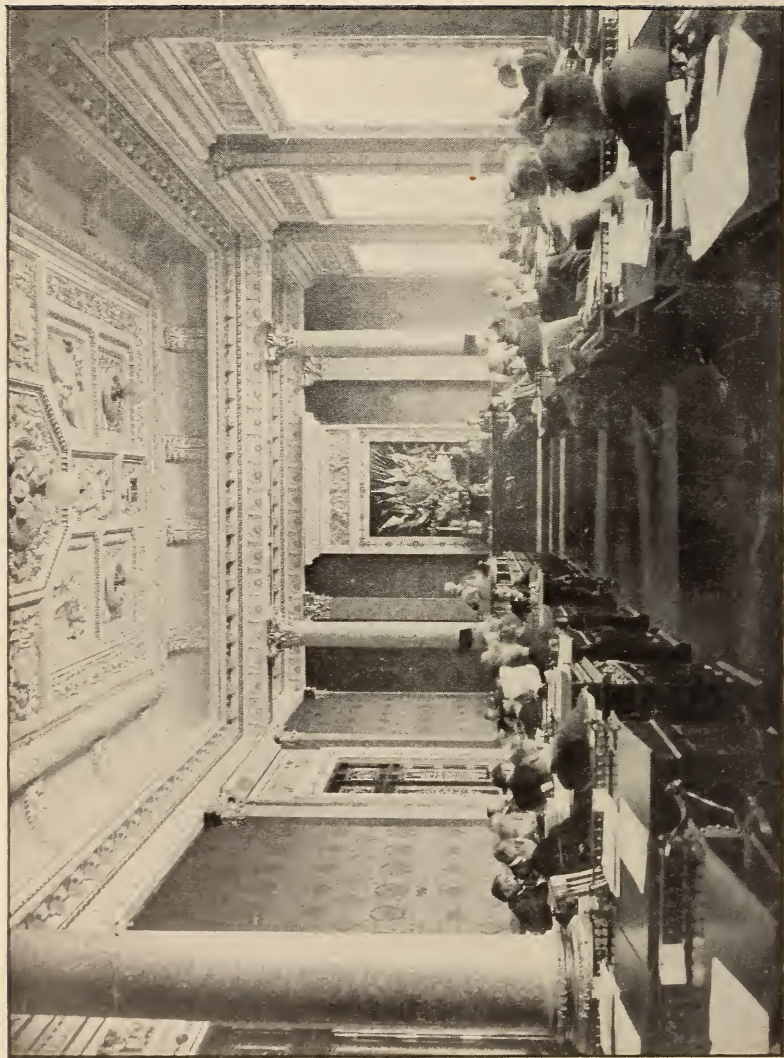
Rafael Reyes Spíndola

to whom I am greatly indebted for inspi-  
ration and encouragement . . . .









THE HALL OF SESSIONS.  
THE CONGRESS AT WORK.

Photo taken for "El Mundo Ilustrado," Mexico City.



HISTORY OF

# The Second Pan-American Congress

BY  
JOHN VAVASOUR NOEL

WITH NOTES ON  
THE REPUBLIC  
OF MEXICO

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## PREFACE.

**I**N the following pages I have given my personal impressions of that most interesting and historic event, the Second Pan-American Congress, reviewing the work accomplished in order that the reader may have a general understanding of the scope, purposes and achievements of this international council. The various official publications to appear in the course of time will not, by the very reason of their character, outline many interesting facts in connection with this Congress; nor can they give the intimate history, the inner meaning, motives and intrigue which were an essential part of the same, and which existed as a very live factor in the moulding of the different resolutions adopted. The daily press of the United States and Latin America gave more or less extensive accounts of the happenings as they occurred from day to day. These notes are a resumé of my daily cablegraphic service to both North and South America, with such commentaries as are required for the average reader's elucidation. Any criticisms are kindly meant, for I am an optimist on the subject of a better understanding between the United States and the people of Latin America, as well as among the Latin Americans themselves. Notwithstanding the heterogeneity of race, creed and tradition, I believe that the educational campaign inaugurated through the medium of these con-

gresses, and the mutual interests which politically and commercially bind the various countries of this hemisphere will, in time, unquestionably bring about sufficient practical results to make those interested in this international propaganda feel that their work has not been in vain. Future generations will think gratefully of the pioneers in this movement for a better understanding between the independent nations of Pan-America, which effort means so much, morally and materially, for their welfare, and will remember those earnest lawmakers, who by adequate legislation are now seeking to provide for contingencies that are bound to come.

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It is a pleasure to record my gratitude to the Mexican Government, its delegation and to the delegates in general for their courteous treatment. To Messrs. Urbina and Dufoo of *El Imparcial*, and Guernsey, Hudson and Simonds of the *Mexican Herald*, as well as to many other good friends, I give thanks for numerous kind attentions.

THE AUTHOR.

## CHAPTER I.

### GENERAL REVIEW.

On January 31 the Mexican Secretary of State, Señor Ignacio Mariscal, formally declared closed the sessions of the Second International Conference of American States, generally known as the Second Pan-American Congress; which solemn ceremonial placed before the judgment of this and future generations the work of earnest men during a period of over three months, and left to the people of this hemisphere a legacy of carefully-studied resolutions and recommendations on matters pertaining generally to the welfare of the nations interested.

This important international assemblage opened its sessions on the 22nd day of October, 1901; and, after modifying the by-laws presented by the Mexican delegates, nineteen different committees on as many subjects were organized, having all of them from three to nine members each, with the exception of the Committee on Arbitration, which was composed of nineteen members, one from each country accredited to the Congress.

What resolutions or recommendations would be adopted on the latter subject was the all-absorbing topic upon which the deliberations of this body were awaited with anxiety, both by the Pan-American and European nations.

The Committee appointed to consider arbitration named a sub-committee of nine, whose meetings covered a period of over two months. It was not until toward the close of the Congress that this very delicate subject was broached, the leaders wisely deciding before bringing up the matter to pass such recommendations and resolution as would not be likely to cause any acrimonious debate, in order that, should the Congress fail on this particular measure, it would, at least, have a record before the world of something accomplished during its existence.

Three important facts were very clearly demonstrated during the sessions at Mexico City. One was the evident combination of various South American countries to annoy, embarrass, or discredit another republic, and the second was the attitude of the United States on the subject of arbitration. In the first instance it was regrettable to see the countries in league attempt to use the Congress as a political weapon, contrary to the purpose for which it was convened. As to the second, undoubtedly the rejection of the Olney-Pauncefote arbitration treaty by the United States Senate had a great influence on the Department of State. The instructions to the delegates were to favor any measure that would embody the principles outlined by the conventions of the Hague Peace Conference.

The third lesson taught by the Congress was to the effect that the absolute divergence of methods, customs and general practice in the conduct of gov-



ernment between the various Latin-American republics, as a whole, and the United States makes it doubly difficult for these offsprings of two old and widely divergent civilizations to find practical solutions to problems which involve radical changes of actual process on the part of either of them.

It was the evident intent on the part of Peru to bring up indirectly the question of her dispute with Chile in reference to the provinces of Tacna and Arica, and to secure some expression of censure or rebuke toward her neighbor to the south. As the Chileans had joined the Congress with the distinct understanding that no local questions or matters of offensive character were to be brought before it, they protested vigorously against the Peruvian position; and claimed, with some show of justice, that it was not within the province, intent or jurisdiction of the Congress to touch upon any questions, disputes or claims of one nation against another. The Congress was not a tribunal wherein the various participants went to ventilate their private quarrels, and as they were all of equal rank and authority there was consequently no superior power to enforce any sentences that might have been decreed. This was the mistake made by the Peruvians, and the "wish being father to the thought," they were no doubt convinced of the righteousness of their methods. It was suggested to them repeatedly, and by those to whom they were morally bound to listen, that the Second Pan-American Congress was not a court



wherein, backed by their sympathizers, they might impunely attempt to bring questions that were bound to ruin the bright prospects of this international meeting.

The Chileans alleged further that the question of the disputed provinces and the plébiscite, which was to be held on the subject of the ultimate possession of the same, was a matter of adjustment between the Peruvian and Chilean Governments, and had nothing in common with the purposes of the Congress, no more than if the Congress were to be asked to pass judgment on the attitude of the United States in reference to its policy towards Cuba, Porto Rico, or the Philippines.

As a matter of fact, the various Latin-American countries have nearly all of them boundary or other disputes pending; and the interference, therefore, of the Congress in any matter pertaining individually to the different countries or affecting their policy or their sovereignty would have been an act contrary to the express object of the meeting and to the programme as outlined by the Executive Committee of the International Union of American Republics. The fiasco which resulted when the Congress tried to interfere in the Venezuelan and Colombian imbroglio showed plainly how futile such efforts are.

The final settlement of the arbitration question consisted of a unanimous adhesion to the conventions of The Hague, and a project of treaty on the subject of compulsory arbitration was passed through the Congress, without debate.

The interest was far greater in the Latin-American countries than in the United States, owing chiefly to a general pessimistic impression in the latter country that nothing of worth would be accomplished. The various Latin-American governments were interested in determining the attitude of the United States on certain important matters, and several of them expected to cross swords with their neighbors on questions between them, looking forward to a keen diplomatic tournament.

Apart from the subject of arbitration, the Congress passed several recommendations, resolutions, indorsements and projects for treaties which were earnestly considered and approved in such a fashion as, it is hoped, to merit the earnest consideration of the different governments. In this particular the work of the recent gathering differed materially from that held in Washington in 1889-90. It was the purpose to secure the adoption of these resolutions and recommendations in such a practical and feasible form as to make them presentable with some show of success to the different governments, for the final ratification.

The first recommendation approved by the Conference was to the effect that a "large banking institution, established in an important mercantile centre of the continent, with branches in the principal cities of the American republics, would stimulate trade." The recommendation then suggests the establishment of such a bank, to be assisted financially by the re-

publics of America in such manner or form as may be compatible with the internal legislation of each country.

The subject of the Pan-American railway was taken up enthusiastically by the Congress. A resolution was passed ratifying the recommendations made by the first Pan-American Congress at Washington on this matter, inviting the Government of the United States to take an active interest in the same and appointing a committee of five members, with residence in the United States, to further the wishes of the delegates in connection with this vast undertaking.

Another measure likely to prove of some practical result is a resolution providing for a Customs Congress, to be held in New York City, within a year from the closing of the Pan-American Conference, in order to consider and suggest measures for a uniformity of port charges and matters referring to the simplification of custom-house formalities in connection with manifests and the preparation of consular invoices and other details of like character. The resolution also provides for the preparation of a commercial nomenclature of products and merchandise common to the American republics, in the Spanish, English, Portuguese and French languages.

The Congress also recommended the establishment of an International Archæological Museum, with headquarters in Washington, to search for and preserve any valuable archæological finds in this hemisphere;



it also indorsed the work of the Philadelphia Commercial Museum, and suggested to the Latin-American countries the advisability of renewing their collections and displays in such an institution of public utility.

Resolutions were also passed on the subjects of the sources of production and statistics, on measures likely to facilitate international commerce and for the reorganization of the International Union of American Republics. This institution, which is really the only practical legacy left as a result of the First Pan-American Conference of 1889-90, has done very valuable work by disseminating information concerning the different Pan-American countries in the United States, as well as concerning the latter country in Latin-America. The Union is made the custodian of the archives of this and successive congresses and will be the medium, in many cases, for putting into effect a number of the measures approved.

The Congress reached an agreement on matters pertaining to the exchange of scientific, literary and industrial publications of an official nature between the different countries represented; for the efficient protection of literary and artistic property; for the preparation of an international code of public and private law to govern the countries of America; to facilitate the exercise of the liberal professions; and on the question of the rights of foreigners.

Projects for treaties were carefully prepared dealing on matters pertaining to patent and trademarks;

the extradition of anarchists and measures of protection against the same; and in reference to arbitration in connection with diplomatic claims for pecuniary damages.

Various resolutions were also passed in the nature of indorsements, notably the report of General Rafael Reyes of Colombia, on the subject of the brilliant exploration work of the Reyes Brothers in the heart of South America; the indorsement of the object of the approaching St. Louis World's Fair, and the congratulations expressed to the officials of the Pan-American Exposition and to the people of Buffalo for their enterprise in having successfully created that great educational factor. The Congress also sent a message of encouragement to the brilliant young Brazilian aeronaut Santos-Dumont, and greetings to the new republic of Cuba. The Olympian games, to be held in Chicago in 1904, were also commended; and, at the closing session, a resolution was passed thanking the press in general for their interest in the work of the Congress. Before adjourning this body declared itself in favor of holding another meeting of the same character, within five or seven years, leaving it to the Diplomatic Corps residing at Washington to decide on the exact time and place.

If any one of the foregoing recommendations or resolutions will be ratified and put into effect by a majority of the countries represented, the work of the Congress will not have been in vain. In any case, much was done to clear the atmosphere of certain



doubts and misunderstandings resulting from lack of knowledge and contact, and the publicity which will be given to its deliberations in each of the respective countries will tend greatly to forward the aims of the far-sighted statesmanship of James G. Blaine.

## CHAPTER II.

## INITIAL STEPS.

President McKinley, in his message to the Fifty-Sixth Congress, among other things, said :

“ In view . . . of the numerous questions of general interest and common benefit to all of the republics of America, some of which were considered by the First International American Conference, but not finally settled, and others which have since then grown into importance, it would seem expedient that the various republics constituting the Union should be invited to hold at an early date another conference in the capital of one of the countries other than the United States, which has already enjoyed this honor.”

Mr. Hay, Secretary of State, acting in harmony with this suggestion of the late President, after various informal consultations with the diplomatic representatives of Latin-America accredited to the United States, sent them an official communication in date of February 8th, 1900, wherein he referred to the paragraph of President McKinley's message. The Secretary requested them to transmit this information to their respective governments, in order that the same might, if agreeable, take such measures as would lead to some practical steps being taken in the direction indicated. Simultaneously the Department of

State instructed the United States Ministers accredited to the various Latin-American governments to transmit the same information to the respective Foreign Offices.

As a direct result of these communications, the question was discussed at a meeting of the Executive Committee of the International Union of American Republics; which led to a general meeting of all the diplomatic representatives from Latin-America accredited to Washington, being called on April 14th, 1900. Those present were the Ministers from Costa Rica, Chairman, the Ambassador from Mexico, and the Ministers from Colombia, Guatemala, Hayti, Brazil, Nicaragua, Chile, the Charge d'Affairès of Venezuela and the Consul-General of Paraguay. The Charge d'Affairès of the Dominican republic, the Consuls-General of Uruguay, Honduras, Ecuador and the Vice-Consul of El Salvador were not able to be present at this meeting.

Chairman Calvo stated, on opening the session, that at the last meeting of the Executive Committee of the International Union of American Republics it was resolved to call this gathering in order to discuss plans and methods by which a Second International Conference might be held at some time in the near future. He added that the Secretary of State of the United States, as *ex officio* President of the Committee, had expressed a wish, in view of the prominent part which the United States took in the last Conference which met in this capital, that the

other republics take the initiative; so that neither in appearance nor in reality should his country figure in a more prominent fashion than any of the others. The Secretary of State also hoped it would be understood that the Government of the United States was more than willing to do everything in its power towards the realization of this project. "The object, therefore," repeated the Chairman, "is to discuss some practicable method of procedure bearing on the subject at hand, to be communicated by the Department of State to the Government of Mexico, in order that it may be taken into consideration in compiling the official programme which will have to be submitted to the Conference. This on the supposition that there is no doubt but that Mexico will be the country selected, where the Congress shall meet."

After a brief discussion, in which a majority of those present called attention to the fact that they had no instructions on the subject, Señor Azpiroz, Ambassador from Mexico, moved to request the Executive Committee of the International Union of American Republics to take charge of the matter, and to inform the representatives of the American republics, as soon as possible, of the result of their efforts, that the latter may keep their respective governments fully posted. The motion was carried.

Complying with the request embodied in the foregoing resolution, the Executive Committee met on May 23d, 1900, there being present Ministers Calvo, Costa Rica, Chairman; Lazo Arriaga, Guatemala;



and Wilde, Argentine Republic. As a result of this meeting, the following programme, was transmitted on the 26th of May, 1901, by Mr. W. W. Rockhill, Director of the International Union of American Republics, to the Latin-American representatives at Washington, stating that it was "a projected or tentative programme," to be submitted to the various governments belonging to the Union in order that they may take it into consideration and make such observations as they may judge convenient."

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PROGRAMME.

- I. Points studied by the previous Conference, which the new Conference may decide to reconsider.
  - II. Arbitration.
  - III. International Court of Claims.
  - IV. Means of protection to industry, agriculture and commerce. Development of communications between the countries of the Union. Consular regulations of ports and custom-houses. Statistics.
  - V. Reorganization of the International Bureau of the American Republics.
- 

With this programme the Executive Committee embodied the programme of the First Pan-American

Conference, a list of the committees and a résumé of the nineteen recommendations approved at the time.

During the session referred to, at the suggestion of the Argentine Minister, it was decided to request the Department of State to communicate, by cable, with the various republics soliciting a telegraphic reply and telegraphic instructions to their diplomatic representatives at Washington, in order to hasten the preliminary work in connection with the Conference.

Another general meeting was called on June 13th, 1900, this time by the Secretary of State. Nearly all the diplomatic representatives of the Latin-American countries were present; and, after some discussion about the place in which to hold the Conference and the date of meeting, the majority stated that they would favor the generally-understood plan of holding the same in the City of Mexico, for which they all voted, with the exception of the representatives of Argentine and Peru, who cast their votes for Buenos Ayres. In reference to the exact time of meeting, a motion proposed by Mexico and seconded by Guatemala, was unanimously approved, to the effect that the time of meeting of the Conference should be determined upon by the Governments of Mexico and the United States, with the understanding, naturally, that the latter Government would, on this subject, confer with the Executive Committee of the International Union of American Republics.

In the meantime, the suggestion of holding this



Second International Conference had been favorably accepted by the countries interested, with the exception of Chile, whose Foreign Office, on receipt of the tentative programme as issued by the Executive Committee of the International Union of American Republics, sent an official communication, under date of October 1st, 1900, to their representative at Washington, in which the Chilean Foreign Office objected to the vague terms of the tentative programme. The Minister of Foreign Affairs in this letter said, in part: "I desire to state positively that my Government does not object to the discussion of questions referring to international arbitration, at the approaching Congress. On the contrary, as I have stated to you at other times, it will gladly co-operate towards the solution of a problem so important for the future of nations." I desire to insist, once more, that what Chile does not accept is the amplitude and vagueness of the tentative programme on this subject, the study of which is presented to the consideration of the Congress, in such a manner as to leave an open path, during the debates, for disagreeable, inopportune and irritating polemics. It would therefore be very desirable that the Executive Committee of the International Union of American Republics should define and put into concrete form, in a clear and precise manner, some of the subjects which are given with so much latitude in its tentative programme."

The position of Chile is outlined in the following extract, part of a communication under date of May

21st, 1900, by its Foreign Office to United States Minister Wilson. It is in answer to the latter's invitation, in the name of his Government, soliciting Chile's participation in a Second International Conference:

"When, in 1889, the Government of the United States invited the nations of this continent to an International American Conference at Washington, the text of the law of Congress authorizing this invitation was included.

"In it the programme of the Conference was outlined, specifying, point for point, the subjects to be discussed. Notwithstanding, the Committee on General Welfare presented a project for a treaty of arbitration, of which one of the clauses, the fifth, says as follows: 'All controversies or differences whether pending or hereafter arising, shall be submitted to arbitration, even though they may have originated in occurrences antedating the present treaty.' In view of the presentation of this subject, not included in the original programme (because the said programme referred to the advisability of accepting arbitration only for future questions), the delegation of Chile was obliged to abstain absolutely from taking part in the discussion of a subject for which they had not been convened. The representative of Mexico took the same stand.

"If, with a clearly defined programme, it was possible, nevertheless, to create an unpleasant situation in which the Conference, notwithstanding the opposi-

tion of some of its members, should discuss and pass important resolutions on matters not included in the programme of invitation, and even contrary to its spirit, Chile was justified in supposing that the same might happen again at the succeeding Conference, the object of which has been vaguely stated to us."

The subject was being earnestly considered by the Government of Chile, causing considerable diplomatic correspondence, when their Foreign Office received the official invitation of the Government of Mexico, in date of August 15, 1900. In this communication Señor Ignacio Mariscal, Secretary of State of Mexico, stated that he inclosed "the programme of subjects to be discussed, approved by the same persons to whom I have referred (the diplomatic representatives of Latin-America at Washington)." The designation of the tentative programme as one generally approved went still further to augment the suspicions and to increase the susceptibility of the Chilean Government; which refrained from answering the invitation of the Mexican Foreign Office, instructing their Minister at Mexico, however, in a communication of the 2nd of May, 1901, to explain the reasons which prevented them from answering this communication immediately. Señor Mariscal did not intend to state that the tentative programme had been approved by the countries invited, but that he referred to its acceptance, as a basis, by the diplomatic representatives at Washington who had originated it. In other words, that it was the tentative



programme agreed upon, but not the final and definite one. This unfortunate ambiguity caused a delay of many weeks.

During the course of the following months many informal and personal efforts were made by those having at heart the success of the undertaking to bring about some compromise by which the suspicions of Chile might be allayed, and that the Congress was not a trap set by political enemies. On April 30, Señor Morla Vicuña, Chilean Minister at Washington, on private assurance that any suggestions would have earnest consideration, wrote to the Director of the International Union of American Republics, on April 30, 1901, in part, as follows:

“Therefore, in answer to the circular letter of the Director of the International Union of American Republics, of May 26, 1900, sent in the name of the Executive Committee to the various representatives of the different republics in Washington, the Government of Chile expresses the following wish, to wit: ‘That it would be very desirable if the Executive Committee of the American Republics would state in a definite manner the meaning of Articles I, II and III of their tentative programme. The Government of Chile distinctly declares that it may be able to give a final answer to the invitation to attend a Second American Conference, after noting how its observations have been received on the subject of the tentative programme.’”

On receipt of this letter, the acting Director of the

Bureau of American Republics, Mr. Williams C. Fox, referred it to the Hon. David J. Hill, Acting Secretary of State, who, on the 6th of May following, called a meeting of the Executive Committee of the International Union of American Republics. The Hons. Carbo, Calvo and Martínez Silva, of Ecuador, Costa Rica and Colombia, respectively, were present, as well as Mr. Fox. This Committee, answering the request of the Government of Chile, made the following important declaration on the subject of the Article II of the tentative programme :

“ Arbitration is understood to be *for the future and in no manner retroactive*, for the difficulties which may arise between the American republics at a posterior date to that of the exchange of ratifications of an arbitration treaty which the Conference may adopt. The Executive Committee abstains explicitly from all idea of proposing, in any manner, as part of the tentative programme, any existing questions or to prejudge in any of the actual situations. This Article supplants the seventh of the programme of the First Conference.”

Mr. Fox immediately imparted this information to Señor Morla Vicuña, who, after a telegraphic correspondence with his Government, received on May 13 the following cablegram from the Minister of Foreign Affairs :

“ Known definition programme Conference Mexico made by Committee, Chile accepts it and is glad that eliminated offensive questions Congress may devote

itself to discussion of practical matters and of general utility for American States. Please make this manifest."

These efforts, however, were not destined to harmonize conflicting interests, as had been hoped. The Hon. Fernando E. Guachalla, the Minister from Bolivia and a member of the Executive Committee of the International Union of American Republics, was not present at the meeting of May 6. On his return to Washington he insisted upon a reconsideration of the answer given to Chile at that time, which led to the calling of another meeting of that same body on the 16th following.

On that occasion were present the Hon. David J. Hill, *ex officio* chairman, as the Acting Secretary of State, and the representatives of Ecuador, Costa Rica, Bolivia and Colombia, and the acting director of the Bureau of the American Republics.

The Hon. Guachalla protested against the reply given to the Hon. Morla Vicuña, and moved that the Board reconsider its decision and allow the original tentative programme to stand without alterations. The representative of Colombia, the Hon. Martínez Silva, though he had been a party to that reply, supported Mr. Guachalla. Ecuador and Costa Rica, however, opposed the motion. The Chairman declined to cast the deciding vote, suggesting that the incident might well be considered closed, especially as the Chilean answer had already been received. A tie existing, it was found impossible to revise or alter



the result of the deliberations of the meeting of May 6. The situation was a very delicate one, and this apparently arbitrary act was absolutely necessary to secure the attendance of all the invited. Its wisdom was proven later.

Again it seemed doubtful if all the independent Pan-American nations would be present at Mexico City, for now it was Bolivia, Peru and some of their sympathizers who threatened to withdraw. The Foreign Offices of the United States and Mexico were once more busy straightening out the tangle.

Fortunately, none did withdraw; the Chileans firmly resolved to insist upon the adherence to the programme as revised and defined at the meeting of May 6, while the Peruvians and Bolivians claimed to have received assurances from the Mexican Government that the original programme would be maintained.

Happily, this question of a programme was never broached at the Congress; not a word was said of it either in the committees or at the sessions. All conversant with the subject or interested in the success of the undertaking looked forward with anxiety to an early battle over the positive definition of this troublesome matter. However, the Chileans, instead of assuming the aggressive attitude that was expected of them, adopted defensive tactics and waited for any breach of that programme by the terms of which they had agreed to take part in the Congress. In this fashion they gained a keen diplomatic vic-

tory because any subject encroaching upon the modified tentative programme, as formulated at the meeting of May 6, would have precipitated a disastrous conflict between the warring factions, who both claimed to have received promises, each of a character diametrically opposed. If a debate had ever taken place for a final outline of the issues, it would have meant a rupture impossible of healing. Both parties knew this, and neither of them were willing to be held responsible, before the eyes of the world, for the failure of the Congress. So that, while the Peruvian combination expected the Chileans to bring the question to an issue, the latter astonished everyone by assuming a defensive attitude. The final result was that no questions were discussed that were not in the programme of May 6.





THE DELEGATES.

Photos by Schlattman Bros., Mexico City.



### CHAPTER III.\*

#### THE DELEGATES TO THE CONGRESS.

At a gathering of such international importance it was natural that the Pan-American countries should send their most distinguished diplomatists and jurists—men able to cope intelligently with problems of great import and thoroughly familiar with the policy, aims and ambitions of their respective governments, as well as to protect the interests of the same and enhance their standing in this “concert” of American nations.

#### *Argentine.*

The Hon. Martín García Mérou, Delegate.—A distinguished figure in the letters and politics of his native country. He was born at Buenos Ayres and educated in the University of that city. In 1881 he was sent as Secretary of Legation to Colombia and next year in the same capacity to Venezuela. In 1883 he was appointed First Secretary of Legation in Madrid, and in 1885 was transferred to Paris. In 1886 he became private secretary to the President of the Argentine Republic, General Roca; Minister to Paraguay in 1888; to Peru in 1890; to Brazil in

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\*A complete list of the secretaries and sub-secretaries will be found in Chapter XXVII, under the general resolutions of thanks.



1894, and to the United States in 1896. In 1899 he was appointed Secretary of Agriculture in the Argentine Cabinet. At present he is again Minister to the United States. He is a fertile author, and in the moments of leisure left by public business his pen is rarely idle. His published works number seventeen volumes, chiefly critical, historical and political essays. One work on the United States is called *Estudios Americanos*, and another on Brazil *El Brazil Intellectual*. He is a corresponding member of the Royal Academy of the Spanish Language, of Madrid, a member of the Geographical and Historical Institute of Brazil, of the Ateneo of Lima, and of the Royal Academy of Science of Lisbon, Portugal, and a comendador of the Portuguese Order of Santiago.

The Hon. Antonio Bermejo, Delegate.—Is a noted lawyer. He has been Minister of Public Instruction and Minister of Justice in the Argentine Cabinet; professor of international law at the University of Buenos Ayres, and at present is a Deputy to the Argentine Congress. He is considered one of the most learned and able men of the new generation of public men in his country.

The Hon. Lorenzo Anadon was another of the Argentine Delegates. He is also a lawyer, has been president of the faculty of letters in the University, and National Senator for nine years. He has been a member of several important commissions, among others one intrusted with the revision of the tariff laws.





PRESIDENT DIAZ AND SECRETARY OF STATE MARISCAL RETURNING FROM THE FUNERAL  
OF THE BRAZILIAN DELEGATE.

Photo taken for "El Mundo Ilustrado," Mexico City.

The secretaries of the Argentine delegation were Rufino Varela Ortiz and Emilio Nocetti. The former is a Deputy to the Argentine Congress, and the latter is a lawyer and professor of commercial law at the University of Buenos Ayres.

*Bolivia.*

Bolivia was represented by one of her well-known lawyers, who is also Minister Plenipotentiary to the United States, Mr. Fernando E. Guachalla. He has had a wide experience as a soldier and diplomat. He fought in the campaign of the Pacific against Chile, and, after that long struggle, became a Deputy to the National Convention of 1880, being soon afterward appointed chief clerk in the Ministry of Public Instruction; was secretary of Legation in Chile, Peru and other lands; being later appointed Charge d'Affaires at Lima. Twice elected a Senator of the republic, he has held other important public posts, and was a follower of President Pando in the revolution that placed the latter in power.

Señor Nestor P. Velasco was the secretary of this delegation.

*Brazil.*

The Hon. José Hygino Duarte Pereira, who died during the sessions of the Congress, was the Delegate for Brazil. A distinguished jurist, he had been for many years professor of law at the University of



Pernambuco, and was especially interested in an able project for the codification of American international public and private law. He had filled many important offices with great credit, having been Minister of Justice in the Brazilian Cabinet and a Judge of the Supreme Court. Dr. Duarte Pereira was also the diplomatic representative of Brazil to the United States of Mexico.

The first secretary of this delegation was Señor A. Fontoura Xavier, Brazilian Consul-General in New York. He has been a newspaperman and a man of letters.

### *Chile.*

The Hon. Blest Gana was born at Santiago de Chile. He is one of the most distinguished diplomats of Latin-America and the dean in point of service at the Congress, having been for thirty-eight years engaged in diplomacy. Member of the Municipal Council of Santiago in 1863; Intendant of Colchagua in 1865; Charge d'Affaires at Washington, 1867; Envoy Extraordinary and Minister Plenipotentiary in London, 1868; appointed, in addition, Minister to France in 1870, and on a special mission to the Holy See, holding all three appointments at the same time. Retired in 1886. Since that time he has been sent on various special missions. He was a Delegate of his country to the Hispano-American Conference at Madrid in the autumn of last year and went to Berlin to present the felicitations of Chile on the occasion of the bi-centenary of the Prussian Kingdom.



He is a commander of the Legion of Honor of France, grand cross of the Royal Order of Isabel the Catholic of Spain, and grand cross of the Imperial Order of the Crown of Prussia. He has published a number of historical novels, one of the best known being *Durante la Reconquista*.

The Hon. Emilio Bello Codecido was the youngest Delegate at the Congress. Born in 1868, he has risen in his diplomatic career with flattering rapidity. Through his family and other connections, he early became a member of the Chamber of Deputies, and he soon became, by the clearness of his judgment and the strength of his character, one of the leaders of the party to which he was affiliated—that of the late Balmaceda, with one of whose daughters he is married. He was Secretary of State before he was appointed Plenipotentiary to Mexico, and being in the country where the Pan-American Congress was to meet, it was only natural, considering his proven abilities, that he should have been designed to form part of the Chilean delegation.

The Hon. Joaquín Walker Martínez, Delegate for Chile, was one of the most vigorous and forceful characters among the many powerful minds at the Congress. A parliamentarian of international fame, he ably sustained his reputation. His direct and logical extempore addresses were always one of the features of the debates. Born in 1854, Walker Martínez was for many years well known as a fearless and ready editorial writer. Later he entered politics

and became a Deputy on several occasions. He was one of the leading spirits in the rebellion against the dictatorship of Balmaceda in 1891, being a member of the Revolutionary Committee. On this occasion he was Minister of Finance and of War, and his valuable services have always been appreciated by the Chilean people. After the war he again engaged in newspaper work until, in 1896, he was appointed Minister to Brazil, where he did much to bring about a better understanding and a friendlier feeling between this nation and Chile; the relations having been somewhat strained between the two countries since the latter's supposed sympathy with Dom Pedro. Later Walker Martínez became the diplomatic representative of his country to the Argentine Republic, and is at present in a similar capacity at Washington.

The Hon. Augusto Matte was born at Santiago de Chile in 1849. He is one of the leading forces in his country, combining those qualities which make men potential in their respective communities. Appointed Minister of Finance in 1877, under the Presidency of Don Anibal Pinto, serving for one year and a half, he was appointed again to the same post in 1880, and held it for about the same time. In 1888, under President Balmaceda, he became Minister of Foreign Relations and held the office for six months. He has been Deputy to Congress for Valparaíso for three terms, and Senator for Santiago for six years. In 1890 he was named Minister to France, and held that post until 1896. During the same time he was Min-

ister to the Holy See and to Switzerland. In 1892 he went on a special mission to the Court of Spain to represent his country in the celebration of the fourth centenary of the discovery of America. In the last Presidential convention in Chile he was the choice of the Doctrinaire Liberal Party for President of the republic.

The able secretaries were Señores Alejandro Alvarez and Marcial A. Martínez. The former is a successful lawyer and professor at the University of Santiago; he has made a specialty of international law. Señor Martínez has made diplomacy his life work. Trained in the Foreign Office of his land, a linguist and student, he has been secretary of various arbitral commissions that have met at Santiago, and has a promising career before him.

### *Colombia.*

The Delegates are Carlos Martínez Silva and General Rafael Reyes, with Rafael Reyes, Jr., as secretary. Both Delegates are interesting personalities.

Martínez Silva has been rector of the College of Nuestra Señora del Rosario at Bogota and for eight years conducted a private college of his own also at Bogota. Has been a member of Congress, Speaker of the House of Representatives, Minister of the Treasury, of Public Instruction and of Foreign Relations. He was a Delegate to the First International Congress of American States held in Washington in 1889, sharing with Senator Davis the distinction of

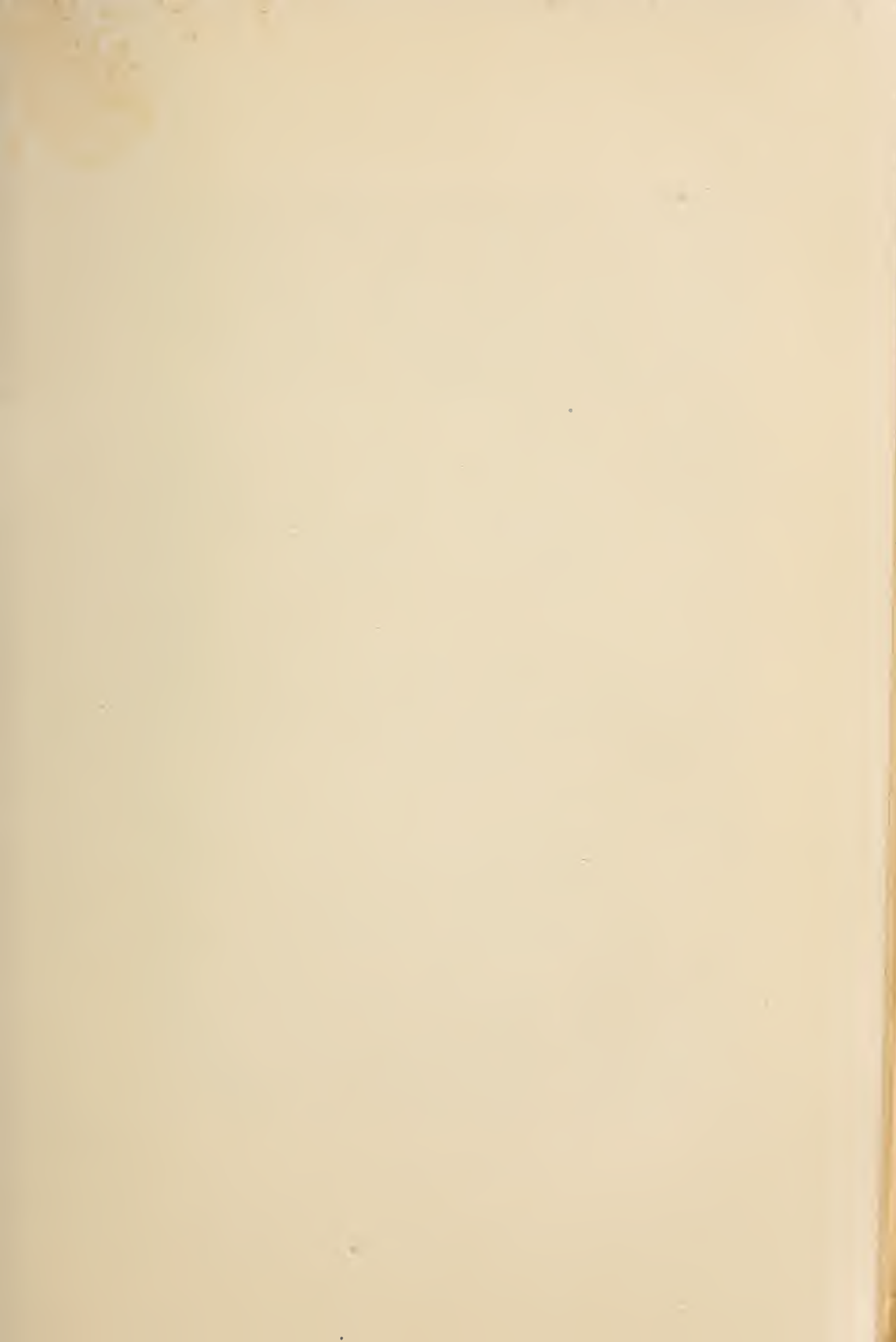


being the only Delegates to the present Congress who were also Delegates to the first one. In 1893 he was President of Colombia's commission to the Chicago World's Fair. Since February last he has been Envoy Extraordinary and Minister Plenipotentiary of his country in Washington. Is a corresponding member of the Royal Academy of the Language of Madrid, a member of the Academy of Colombia, editor of the monthly review known as the *Reperitorio Colombiano*, and also editor of the *Correo Nacional*. He is the author of some published works.

General Rafael Reyes is a distinguished public man and military leader. He is vastly known for his wonderful explorations, in conjunction with his now dead brothers, Enrique and Nestor, in the heart of South America, showing the possibilities of the internal waterways for the benefit of civilization and commerce. In Colombia he has filled many important civil and military offices; has been a Senator; Minister of the Interior and of Promotion; and for the last six years Minister to France, as well as lately to England and Switzerland. He has put down two rebellions and is greatly beloved in his native land by all classes and political parties for his magnanimous treatment of prisoners at the time. As an evidence of the truth of this assertion, it may be said that since his residence in Mexico, where he is at present residing, he has been repeatedly urged by the warring factions in Colombia to go there and assume control.

Rafael Reyes, Jr., the General's son, was the secretary of the Colombian delegation.







THE DELEGATES.

Photos by Schlattman Bros., Mexico City.

*Costa Rica.*

Joaquín Bernardo Calvo, the Delegate, commenced his diplomatic career as Second Secretary of the Legation of Costa Rica in Washington, in 1889. Was promoted to be the Secretary of the Costa Rican Delegation to the Pan-American Congress at Washington, in 1889. Was subsequently elected Governor of the Province of Cartago; First Secretary of the Legation of Costa Rica in Washington in 1892; then Charge d'Affaires until, in 1896, he was promoted to the post of Minister Resident, and in 1898 to that of Envoy Extraordinary and Minister Plenipotentiary at Washington. He was a member of the Executive Committee of the International Union of American Republics, and in that capacity presided over the first measures taken for the organization of the Conference in Mexico. Mr. Calvo enjoys in a high degree the confidence of the State Department at Washington and was appointed a member of the committee to draft the programme for the Conference, which was submitted to the States composing the International Union. Mr. Calvo is also Envoy Extraordinary and Minister Plenipotentiary to Mexico.

*Dominican Republic.*

The Hon. Luis Felipe Carbo, Delegate for Ecuador, also represented this country, assisted by Señor Quintín Gutiérrez, a Spanish merchant of standing in Mexico City. When the Congress was about half

over a special Delegate came in the person of the Hon. Federico Henríquez y Carvajal, a lawyer and educator of note in Santo Domingo.

*Ecuador.*

The Ecuadorian Minister to the United States, the Hon. Luis Felipe Carbo, was the Delegate of that country to the Congress. He also represented the Dominican Republic. For fifteen years he was in active journalism, preaching the precepts of the Liberal party, as editor of *El Diario de Avisos*, *El Globo*, and the original *El Tiempo*. He also taught literature at the University of Guayaquil, his native town. Later he became a Deputy, and in 1895, when his party came into power, he was appointed Minister of Foreign Affairs. He resigned to become Minister Plenipotentiary to the United States and Mexico, and in 1897 was president of the committee which met at Mexico City when it was attempted to hold an International Congress. As Delegate from his country, he was present at the sessions of the Universal Postal Congress, held at Washington in 1898; a year later he spent some time in Colombia as the diplomatic representative of Ecuador.

The efficient secretary of this delegation was Señor Cristobal Vela O.

*El Salvador.*

Salvador sent her Minister of Foreign Affairs, the Hon. Francisco A. Reyes, and the Hon. Baltazar



Estupinian. The former has been the recipient of many public honors in his country, having risen step by step to his present important post. His interest in the Congress was so keen that he came personally to attend its sessions. Baltazar Estupinian, who was Second Vice-President of the Congress, is an ardent adherent of the Liberal party of Salvador and a distinguished international lawyer, having published several authoritative volumes.

The able secretaries of this delegation were Manuel A. Meléndez and Miguel T. Molina.

#### *Guatemala.*

The Hon. Antonio Lazo Arriaga, the Delegate of Guatemala, looks like a German. By reason of his sincerity and soundness of judgment, he enjoys the full confidence of the State Department at Washington, where he represents his country as Minister. He was born in the Republic of Honduras, but as a child went to Guatemala. He received his education there and became a citizen. At the age of twenty he graduated as a lawyer and notary public in Guatemala City. He entered public life at the age of twenty-two, being elected to Congress, and was a Congressman for several consecutive terms. At the age of twenty-four he was appointed Assistant Secretary of Education, and at the early age of twenty-eight (in 1885) he became Minister of Foreign Relations. At the age of thirty he was Speaker of the Guatemala Congress and subsequently was Vice-President of the Council

of State. Eight years ago he was appointed Envoy Extraordinary and Minister Plenipotentiary of his Government in Washington, which position he still holds. He has also been appointed Minister *ad hoc* to Mexico. For many years Mr. Arriaga was professor of constitutional law at the University of Guatemala.

Colonel Francisco Orla, the other Delegate for Guatemala, is a graduate of the Government Military College, graduated in 1890, and was at once appointed on the Government Boundary Commission between Mexico. He served in the army for many years until he reached the rank of Colonel. He is at present Secretary of Guatemalan Legation in Mexico.

#### *Haiti.*

The Delegate was the Hon. J. N. Leger, who is a lawyer and has been Chef de l'Ordre des Avocats in Port-au-Prince, Secretary of the Legation of Haiti in Paris, Chargé d'Affaires at Paris from 1883-85; Assistant Secretary of State for Foreign Affairs; Minister at Washington since 1896. He is the author of several works, such as the *Recueil de Traites* and the *Traite sur la Politique Exterieur du Haiti*, president of the editorial committee of the *Journal de Legislation* and a member of the Société de Legislation of Paris.

#### *Honduras.*

The Hon. José Leonard, a graduate of the University of Heidelberg, was born in Poland, whence he

fled as a young man on account of political troubles. He traveled extensively, especially in Central and South America, settling many years ago in Honduras, where he became a citizen. He at present is dean of the University of Tegucigalpa. A noted linguist and clever raconteur, he became quite popular at the Congress.

His colleague, the Hon. Fausto Dávila, who also represented Nicaragua during the latter part of the meetings, is a noted lawyer and public man. He has devoted a great part of his time to agricultural pursuits, and is an authority on tropical agriculture.

### *Mexico.*

Senator Genaro Raigosa is one of the most famous of Mexico's corporation and consulting lawyers. In addition, he is a gentleman of rare polish and culture, and charming address. He is a great reader of foreign literature in the form both of books and periodicals, and, therefore, keeps thoroughly in touch with all the developments of modern thought. He is the father-in-law of Captain Porfirio Diaz, the son of the President of the republic. Incidentally, Mr. Raigosa has done much to advance the agriculture interests of the republic by his experiments in new cultures.

The Hon. Alfredo Chavero is a lawyer, statesman, orator, poet, archæologist and man of the world, and is, therefore, one of the most versatile of Mexico's public men. His opinion in questions of constitu-



tional law is so sound that his advice in such matters has often been asked and followed by those highest in authority. He has at different periods of his career been actively engaged in journalistic work. As a historian and antiquarian his attainments are best exhibited in the monumental work *Mexico a Través de los Siglos* (Mexico Through the Ages).

The Hon. Joaquín D. Casasus is quite a marked personality in the Mexican bar. As a lawyer he is a specialist, his province being questions involving finance, banking and commerce. He is one of the foremost political economists of Mexico. Of all the financial problems of Mexico he is a master, and as such he was chosen by the Government to represent his country at the Monetary Conference of Brussels. In addition, he has traveled extensively abroad. Amidst the arduous demands of an active professional career, Mr. Casasus finds time to cultivate literature. Not so long ago an excellent Spanish version, due to his pen, of some of the odes of Horace was printed in an *edition de luxe*.

The Hon. Pablo Macedo is another able corporation lawyer, but at a rather early period of life, he has retired from the active practice of his profession with an ample fortune, due to the industry, energy and rare acumen of intellect which he brought to all his work. He was a Delegate to the Hispano-American Conference, which met in the fall of last year at Madrid, Spain.

The Hon. Francisco L. de la Barra is a young







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Photos by Schlattman Bros., Mexico City.

lawyer, but one of solid attainments, particularly in the province of international law. For this reason he has long occupied the position of consulting lawyer for the Department of Foreign Relations. Another important position with which his name has become identified is that of Syndic or City Attorney, a position in which he has done useful and conscientious work.

The Hon. José Lopez Portillo y Rojas is a native of Guadalajara and a member of the Federal Congress. By profession a lawyer, he is also a literateur and poet. He enjoys the respect of all his colleagues in the profession of the law. At the time of the Spanish-American war he wrote a series of articles in a Guadalajara periodical on the subject of American intervention in Cuba.

The Hon. Emilio Pardo is a lawyer of standing, noted for his learning, industry and integrity. He is a member of Congress.

The Hon. Manuel Sanchez Marmol is a native of Tabasco and has the geniality, the hospitality and sunny temperament characteristic of the inhabitants of that part of the republic. He was a favorite among the foreign Delegates. He is a great friend to Americans, and the attorney for several important American enterprises. He is also a member of Congress.

The Hon. Rosendo Pineda is a rising public man in Mexico, possessing ability and erudition. He is a master of parliamentary debate, and has distinguished himself in the Chamber of Deputies.



The able secretaries to the Mexican delegation were Señor Fernando Duret, lawyer and journalist, and Señor José F. Godoy, First Secretary to the Mexican Embassy at Washington.

*Nicaragua.*

The Republic of Nicaragua was ably represented by the Hon. Luis F. Corea, the Minister of that country to the United States. Born in Granada, he graduated at an early age from the National Institute of that city as bachelor in science and letters. He then studied and taught law in Gautemala. Later he was appointed Judge, successively of the districts of Totonicapam and Quezaltenango, where he greatly distinguished himself by his knowledge of law and the fairness of his decisions. At the same time he was professor philosophy in the Institute of Quezaltenango and of international law in the Western Faculty of said city. On his return to Nicaragua in 1897 he was offered by the Liberal Government a high position in the Cabinet of President Zelaya, which he did not accept, as he determined to come to the United States to practice his profession. He was then appointed Secretary to the Legation at Washington for the Greater Republic of Central America, becoming later Chargé d'Affaires. When that federal entity ceased to exist, Luis F. Corea was appointed in a similar capacity for the Republic of Nicaragua and lately Plenipotentiary Minister. Among some of his diplomatic triumphs may be mentioned the satisfac-



tory adjustment of claims of American citizens against Nicaragua, and the important negotiations conducted with the State Department in connection with the proposed Nicaragua canal.

The efficient secretary of the Nicaragua delegation was Señor José V. Dosal, a Mexican gentleman, for many years Consul for his native land in Baltimore.

### *Paraguay.*

The representative of Paraguay was the Hon. Cecilio Baez, who also presented his credentials as Minister Plenipotentiary to Mexico. Mr. Baez is a lawyer and a member of the Paraguay Chamber of Deputies.

### *Peru.*

This country sent quite a representative delegation. At its head was the Hon. Isaac Alzamora, Vice-President of the Republic. He was born at Lima, the capital of Peru, in June, 1850; called to the bar in 1872; Minister of Foreign Relations in 1888; Deputy to Congress in 1890-94. In 1897 the Civil party, to which he has belonged all his life, elected him vice-president of the party, and in 1899 he was elected Vice-President of the republic, with Mr. Romaña as President. He has filled the chairs of philosophy, political economy and pedagogy at the University of Lima and is doyen of the faculty of letters.

The Hon. Alberto Elmore was another Delegate. He is also a lawyer, and has been Minister of Foreign Relations, and is now a Justice of the Supreme Court. Is the author of a treatise on international law.

The Hon. Manuel Alvarez Calderón, Peruvian Minister to the United States, was also a Delegate. He is quite well known in Latin-America as an able corporation lawyer and has been connected with some important international cases.

The secretary was Señor Victor M. Maúrtua, a writer on political subjects.

*United States.*

The Hon. Henry G. Davis, chairman of the United States delegation, was born in Maryland. His early life was spent on a farm. When, in his early manhood, the Baltimore and Ohio railway was built through the farm in which he lived, he accepted employment from that company, and thus began the railroad career which has been the principal work of his life. He is now president of the West Virginia Central and Pittsburg Railroad and of the Davis Coal and Coke Company, one of the leading bituminous coal corporations of the United States. He is president of two banks and one trust company, and is the leading spirit in the development of West Virginia. His political career began when he was elected to the West Virginia State Legislature. From there he went to the Senate of the United States, where he was a prominent member of the Finance Committee.

Mr. Davis has always taken a deep interest in the improvement of the political and commercial relations of the American republics. He served as a

delegate to the first Pan-American Congress held in Washington in 1889, and was a member of the Inter-continental Railway Commission, which supervised the surveys for the proposed road to connect the railway systems of the United States and Mexico with that of Argentine. He is now a member of the commission recently appointed to revise the taxation and corporation laws of West Virginia.

The Hon. William I. Buchanan, as the United States member of the Committee on Arbitration, rendered valuable service both to his country and toward the success of the Congress. He is a native of Iowa, and in early life took an active interest in the politics of that State. He was the chief of an important department of the Chicago World's Fair organization, where he distinguished himself for his admirable executive ability. Later he was appointed by Cleveland as the United States Plenipotentiary to the Argentine Republic, where he earned the gratitude of all peace-loving peoples by his able diplomacy and mediation in connection with the boundary dispute between that country and Chile. Mr. Buchanan was the Director-General of the Pan-American Exposition, and as such deserves much of the credit for the wonderful artistic and commercial success of the same. Mr. Buchanan speaks Spanish fluently, and understands the viewpoint of the people speaking that language, by which he was able to be of great service to his delegation.

The Hon. Charles M. Pepper, journalist and au-

thor, another of the American Delegates, was born in Ohio. He early removed to Chicago, and became identified with the newspapers of that city. For the past twelve years he has been a resident of Washington. He has spent considerable time in Cuba and Porto Rico, and has given special attention to Latin-American subjects.

The Hon. Volney W. Foster, Delegate, was born in Wisconsin in 1848. His active life has consisted of school teaching, employment in business houses, and later in the manufacture of lumber and public contracting.

In 1887 Mr. Foster conceived the idea of establishing a free pleasure driveway along Lake Michigan between Chicago and Milwaukee, a distance of eighty-five miles, of which more than forty miles have been completed.

He always had a lively interest in politics, but not as an office-holder.

The Hon. John Barrett, journalist and diplomat, was one of the energetic figures of the Congress. Educated in New England, he worked his way through college, and then gradually drifted East and became engaged in active journalism. He made for himself a reputation as a speaker of force and as an able writer on economic and political questions. In 1894 he was appointed by President Cleveland as Minister to Siam, and distinguished himself in connection with the famous Cheek case. He is the youngest Minister ever appointed in the history of







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Photos by Schlattman Bros., Mexico City.

the United States diplomatic service. Mr. Barrett, as a war correspondent, has traveled extensively in the East, and was with Dewey at the battle of Manila. He has lately been appointed Commissioner-General of the St. Louis World's Fair to Asia and Australia.

Dr. W. P. Wilson, Director of the Philadelphia Commercial Museums or the International Bureau of Commerce, was the commercial attaché of the United States Delegation appointed directly by President Roosevelt. He organized the bureau in 1894, since which time it has held two international conferences in Philadelphia, for the broad purpose of encouraging international commerce. The first Congress in 1897 was attended by delegates from Mexico, Central and South America, while the delegates at the second conference in 1899 numbered 250 from various countries all over the world.

Dr. Wilson is a graduate of Harvard, and was for a time instructor there in natural history. He then went to Germany, where he spent four years and received the degree of Dr. Sc. from the Tuebingen University. Returning to the United States, he was for many years director of the school of biology in the University of Pennsylvania. He resigned from that post to create the Bureau of International Commerce, the object of which is to work for reciprocity of trade. The bureau has received aid from the National and State Governments and the City of Philadelphia. Its total expenditure up to date has

been \$1,500,000 gold, having put \$650,000 into permanent buildings.

John Cassel Williams, secretary of the United States delegation, was born in Ohio. He is a well-known and popular Washington correspondent, having been connected with the New York *Herald* bureau in that city for several years.

The medical attaché of the delegation was Dr. Milton J. Rosenau, assistant surgeon of the Marine Hospital, and director of its hygienic laboratory.

### *Uruguay.*

The Hon. Juan Cuestas, the Delegate for Uruguay, is a lawyer by profession, and began his public career as a fiscal agent for the Department of Florida, becoming later the Jefe Politico of that region. He has been several times a Deputy, and is at present Minister Plenipotentiary to Washington and Mexico. Dr. Cuestas is the son of the President of Uruguay, Juan L. Cuestas.

The secretary of this delegation was Señor Juan Etchegaray.

### *Venezuela.*

The Delegates for Venezuela were Hons. J. Gil Fortoul and M. M. Galavis. The former is quite well known in Latin-America as a writer and historian. He has been Consul to Bordeaux and Liverpool; Secretary of Legation at Paris, and Chargé d'Affaires at Berlin. Dr. Galavis is a rising member of the Venezuelan bar.

The secretary was Señor Enrique Pérez Valencia.



*Bureau American Republics.*

Mr. Williams C. Fox, Acting Director of the International Union of American Republics, and disbursing officer of the United States delegation, was one of the most indefatigable workers for and able advocates of the interests of the Union. Mr. Fox was Consul in Brunswick, Germany, for thirteen years; Chargé d'Affaires in Persia, and Secretary of Legation in Greece. Having returned to the United States, he founded and published for a number of years the only strictly diplomatic journal ever attempted in the United States. It was on account of his able work in this field that he was called into the service of the International Union of American Republics, into which office he entered five years ago, and was temporarily filling the directorship, pending the return of W. W. Rockhill from China, during the existence of the Pan-American Congress.

## CHAPTER IV.

FROM WASHINGTON TO MEXICO CITY ON THE "STATE  
DEPARTMENT .SPECIAL."

Mr. Fox, of the International Union of American Republics, acting incidentally as the disbursing officer of the United States delegation, knew that a number of the Delegates and their families would depart for Mexico from the eastern section of this country. He, therefore, very thoughtfully, and with a view to the general comfort, arranged with the tourist department of the Pennsylvania Railroad for a special train to carry them to the City of Mexico, of which convenience nearly all availed themselves. The arrangement was on a co-operative basis, each passenger paying exactly the same amount that he would have been obliged to disburse in the ordinary course of travel. This train left Washington on Saturday afternoon, October 12. It was a luxurious one, consisting of three Pullman compartment cars, sleeping, observation, dining, smoking and baggage cars. To anyone who has ever journeyed to the land of the Aztecs, the comfort of a first-class restaurant with you during those five long days will be understood. The Pullman dining car "Waldorf" seated forty people. The meals were excellent and properly served by the Pennsylvania line, with a competent steward in charge. The arrangements were perfect;





CONFERENCE OF THE U. S. DELEGATION IN HOTEL SANZ.  
THE "STATE DEPARTMENT SPECIAL."

Photos by the Author.



the Pennsylvania Railroad officials, as well as the various officials of the other railways, being most obliging. The journey in its entirety was a most enjoyable one, there being no unpleasant incidents, nor anything that in any way marred the pleasure of the travelers. All connections were admirably made, causing no delay to the visitors. From Washington to St. Louis, the Pennsylvania Railroad and its connections were utilized. From St. Louis the train sped over the rails of the Missouri, Kansas and Texas Railway, where the famous "Katy Flyer" runs; then over the San Antonio and Aransas Pass Railway, and from that to the Southern Pacific system, the "Sunset Route" as far as the border. The next railway to take charge was the Mexican International, which rapidly, on schedule time, brought the party to Torreon, where the train was transferred to the tracks of the Mexican Central Railway. The splendid engines of the latter drew into Mexico City.

One of the most interesting features of the journey from Washington to Mexico City was the visit to the site of the approaching St. Louis World's Fair, fully described in the following chapter.

After leaving St. Louis the train sped across the rolling plains of Missouri, the monotonous level of Kansas and Indian Territory and the somewhat desert-like Texas. At Parsons, Kansas, Mayor Buzbee had the inevitable brass band out, and United States Delegate John Barrett answered the Mayor's speech of welcome. At Muskogee, Indian Territory, the

great distributing centre for a growing region, the travelers saw a typical Oklahoma settlers' train, about to depart for that country. The roughly made prairie schooners, with their canvas covering, presented a strong contrast to the luxurious "palace on wheels" standing nearby. From Muscogee the train whirled along at a humming pace to the land of the Lone Star State. At many of the stations in Texas hundreds of huge cotton bales were lying in the open. Along the roads, parallel to the railway, we observed that many heavy wagons, drawn by typical Southern mules, were hauling more bales to the trading centres. At Eagle Pass, on the American side of the Rio Grande, the band of the military post serenaded the visitors, and at Ciudad Porfirio Diaz, across the river, the local Mexican officers invited the party to partake of refreshments. Toasts were drunk to the success of the approaching Congress. Much good feeling reigned, especially among the Latin-Americans, who naturally felt more at home where the Spanish language was spoken.

The two days' journey from the frontier to the capital of Mexico was uneventful, though greatly interesting for the new scenes and sights. At a little way-station, where a stop was made for water, the writer took a hurried snap-shot at some odd houses on wheels, drawn by bullocks. They are the caravans of these deserts. Nomad-like Indians call them homes, and were, at the taking of the picture, preparing to depart from the oasis where the train's lo-

comotive was taking water. Toward the morning of the last day of travel, Friday, October 18, the country improved in appearance, with less dust. At Pacheco, a small hamlet, while waiting for a belated freight train, we visited a small settlement of primitive Indians. They seemed happy in their crude huts, made of brush and stray wood, patiently courteous to the inquisitive visitor. The latter were enjoying the novel sight until some callous and unromantic American miner, about to depart for the interior, made an unpleasant reference to the fact that smallpox was quite common " 'round these here parts." Result: General flight to the train.

At the City of Queretaro, just before arriving at the station, we saw the modest chapel which marks the spot where the ill-fated Maximilian was shot. From the last named city the land rises to a height of nearly eight thousand feet, and gradually descends to the great valley of Mexico. The train reached that historic city toward night.

The idea of organizing this special train was, indeed, a very happy one, not only on account of the material comforts it provided, but also for the moral influence it created. The representatives of the different Pan-American nations had an opportunity of exchanging ideas, and by this informal caucus work many little details were arranged and disposed of that would otherwise have called for unnecessary delay after the organization of the Congress.

The visitors were suitably received by the Mexican

delegation and by the Government officials at the station of the Mexican Central Railway, and conducted to their respective hotels, glad to reach "terra firma," the scene of their future work. The United States delegation and several others found apartments at the Hotel Sanz, by far the best and cleanest hotel in Mexico. The remainder went to some other hostels, and some to private houses.



## CHAPTER V.

### AT ST. LOUIS.

The Delegates, en route to Mexico, arrived at St. Louis on Sunday morning, October 13. At East St. Louis a committee representing the Louisiana Purchase Exposition Company came aboard the train and invited them to visit the city as the guests of the company. On entering the Union Station, the Delegates were received and welcomed by a large delegation of the prominent directors of the company and by Secretary Stevens.

On the following morning, the Reception Committee took its guests on a drive through the business portion of the city, ending at the rooms of the Latin-American Club. After an agreeable rest there, the delegates were escorted to the Merchants' Exchange, but a few steps away, where President Haarstick, on behalf of the Exchange, welcomed them, and Acting Mayor Hornsby spoke for the city in appropriate terms. President Francis, of the Louisiana Purchase Exposition, was received with cheers. He said, in part:

*"Gentlemen of the International Congress of  
American States :*

"The Louisiana Purchase Exposition Company feels honored to have as its guests representatives of our sister American republics, with which the people

of the United States are desirous of establishing closer relations, based on mutual benefits and a general community of interests. Less than a century ago, your countries and that portion of this which we inhabit acknowledged allegiance to foreign potentates. At that time the capacity of our people and of yours for self-government was by no means admitted. Ownership and sovereignty of our countries were transferred without consulting the wishes or the interests of those who felled the forests therein, tilled the soil, delved in the mines, and produced the wealth.

The young republic of Washington and Jefferson, whose struggles for independence had been followed with mingled sentiments of fear and hope by lovers of liberty in every clime, was but fairly launched on her incomparable career. The Corsican, who from an unknown lieutenant, had risen to be Emperor of France, and, as the man of destiny, had overturned thrones and invested his brothers and generals with the pomp and title of royalty, had, by a secret bargain and for a consideration which he failed to deliver, bought this Trans-Mississippi Empire from Spain, to whom it had been sold by France thirty-seven years before. It is the transfer of this magnificent domain from foreign rule to membership in the Republic of the United States that this Exposition Company was formed to celebrate. \* \* \* \* \*

“Our late lamented President, whose memory will ever be green in the hearts of a grateful people, in

his last public utterance, forcefully said: "Expositions are the time-keepers of Progress." And almost, if not quite, his last official act was his proclamation announcing to the nations of the world the holding of this exposition under the auspices of the General Government, and inviting their active participation therein.

"The people of St. Louis have provided \$10,000,000, the Congress of the United States \$5,000,000, and the State of Missouri \$1,000,000 additional for the inauguration of this exposition. Its exhibits will surpass those of any of its predecessors, as surely as every decade and every year of our history and of civilization for the past century have been superior to all that have gone before. There is improvement and progress in expositions as in all the other undertakings of men. Experience only fits us the better to minister to the tastes and demands of those whom we would please and educate. That exposition would be incomplete without the active participation and co-operation of your countries."

On behalf of the Delegates, the Hon. Martin García Mérou, the Argentine Minister to the United States, spoke as follows:

*"Ladies and Gentlemen:* It is a great, although a difficult, privilege for me to present to you, on behalf of my fellow Delegates of the International Conference of the American States, our heartfelt thanks for this cordial reception extended to us on our pleasant visit to St. Louis. This is not the first time

that we have had the pleasure of enjoying the munificence of American hospitality. You can afford to welcome in that way your brothers and friends of the other nations of the New World, because you feel that the cordiality of a great nation should be in accordance with the immense proportions of all its gigantic undertakings.

“We passed yesterday through beautiful and cultivated fields; through cities swarming with all the activities of life, and we are now here in this marvelous centre of commerce and industrial development, admiring once more the energy, the intelligence and the achievements of the American people in all the lines of human activity. The blessings of prosperity so plentifully given to your nation are well deserved, gentlemen, by your inexhaustible and untiring efforts to improve the conditions of life in your country; to raise the moral and intellectual standard of your race, and to link all the people of the world by the ties of mutual intercourse, sending your products to every part of the globe as harbingers of peace.

“Let us hope that the present prosperity of the United States will last forever, and increase in the future, bringing happiness and comfort to all the inhabitants of this country. Let us hope that we may celebrate together the success of your industry two years hence in the coming Louisiana Purchase Exposition, and repeat then to you the expression of our friendship and the cordial participation we take in all the triumphs of the American nation.”



It was a cool, bracing October day, sunny and pleasant. Nothing could have been more appropriate than the exhilarating drive which was then taken through the residence portion of the city and the World's Fair site to the Country Club. The party arrived there delighted with the grandeur of Forest Park, wherein the site of the exposition is located, charmed with the scenery and ready to do full justice to the delicious dinner which was served. President Francis, on this occasion, acting as toastmaster, made a most interesting speech, and called upon a number of the guests for answers to toasts.

Mr. Joaquín Bernardo Calvo replied to the theme of "Our Guests," while Mr. Henry G. Davis spoke of the "International Congress of American States," and of the projected Pan-American railway. Mr. Manuel Alvarez Calderón also answered to the toast "The Isthmian Canal—May It Be Under the Control of the Western Hemisphere."

Remarks were also made by the Hon. Carlos Martinez Silva, lately Colombian Minister to the United States, who responded to the sentiment, "The Patriots of Central and South America;" Mr. W. C. Fox, Acting Director of the Bureau of American Republics, to "Monroe, Henry Clay and Blaine;" Dr. W. P. Wilson, of the Philadelphia Commercial Museum, who toasted to the "Louisiana Purchase Exposition," and others.

The visitors were then taken to the St. Louis Club, where they remained until late in the evening. At

midnight the "State Department Special" left for the City of Mexico, and the Delegates carried very agreeable impressions of the hospitality of the St. Louis people, importance of their city and of their ability to organize and successfully carry out the enormous undertaking of a world's fair on a scale vaster than has ever been attempted before in the history of expositions.

## CHAPTER VI.

### THE WORKSHOP OF THE CONGRESS.

#### MEXICAN HOSPITALITY.

The Mexican Government, at a considerable expense, provided most comfortable quarters for the meetings, consisting of a large hall, with committee and reception rooms, as well as offices for the Secretary-General and staff. The Hon. José Ives Limantour, Secretary of Finance, vacated his offices in the left wing of the National Palace and placed them at the disposal of the Delegates. The special staircase of the Ministry of Finance was reserved for their use, at the head of which a large stained-glass door, to the left, separated the Conference headquarters from the rest of the great palace. This door was generally kept closed. To the right one entered the cloakroom and further the "hall of lost steps," the large general waiting-room of the Finance Department. Half way down this reception-room a door to the left led into what is usually the main audience-room of the Minister of Finance, and on this occasion was used as the meeting place and general reception-room of the Delegates and their friends before proceeding into the Hall of Sessions. A splendid portrait of Hidalgo, the patriot-priest, adorned one of the walls, which were covered with wine-colored satin, embellished by hand-painted Mexican eagles. A fine bust of

Matías Romero, late Mexican Ambassador to the United States, stood on the centre table. To the right was the "amber" room, on account of the color of the satin wall hangings, also hand-painted with Mexican eagles. This was used as a committee-room. To the right, still on, the private office of the Minister served as headquarters for the Secretary-General and his immediate subordinates, there being other rooms adjoining these for the numerous employees.

The Congress Hall, to the left of the main audience-room, was most handsomely decorated, the walls covered with light damask tapestry paper, with a brown wainscoating of carved mahogany. In a white-and-gold ceiling gleamed at night hundreds of opaque incandescent lights. Behind the President's dais was a beautiful panoply, bearing the flags of the various countries represented. A golden shield in the centre of a dark red background bore the words "Pax-Lex;" truly symbolic of the purposes of the gathering. A handsome mahogany desk and chair were provided for each Delegate, secretary and to the journalists admitted, the former being grouped together, while the others occupied the rear portion and sides of the hall. After entering the cloakroom, turning sharply to the right, facing the inner court, were two large offices, handsomely and suitably furnished by the Mexican Government for the convenience of the International Union of American Republics, which, under the supervision of Acting Director Fox, established a temporary library. This proved to be quite a convenience to the Delegates.



Downstairs, to the left of the special entrance, the Mexican hosts had even provided an "international free lunch" in the form of a delightfully cosy and attractive café for the free and unrestricted usage of the Delegates and their friends. Here also was a special branch postoffice and telegraph station, where the Delegates' mail was "franked" and their telegrams sent at half rate. The Mexican Telegraph Company (Galveston and Pacific service) likewise established a half rate. This indicates to what extent the courtesy and hospitality of the Mexicans was carried in providing for these details.

A company of soldiers mounted guard at the special doorway leading to the Congress; a sergeant and platoon of municipal police were constantly at the service of the Delegates; and in the rooms of the Congress proper a dignified majordomo, with numerous assistants, in evening dress, were ever alert to anticipate the slightest needs of the visitors.

A competent staff of expert stenographers, both for the English and Spanish languages, greatly expedited the work of the various committees in preparing numerous documents and papers. The busiest man at the Congress headquarters undoubtedly was Señor Joaquín D. Casasus, Secretary-General of the Congress, and a member of the Mexican delegation. Mr. Casasus was practically the chief executive officer, as the real work of arranging many details devolved upon him. He was most efficiently assisted by Secretaries Godoy, Dávalos, Duret and Macedo. It is but

justice to give him due credit for the dignified, easy and unruffled fashion in which the routine work of the Congress was carried on. Two other gentlemen, Mr. Starr-Hunt and Mr. Romero, are also entitled to a mention for the able and conscientious manner in which they fulfilled their difficult tasks as oral translators. As the deliberations of the Congress were in the English and Spanish languages, it was necessary, for the benefit of the United States Delegates, that all remarks in Spanish be immediately translated into English. This task was intrusted to Mr. Starr-Hunt, who acquitted himself with credit under many difficult circumstances; while Mr. Romero, nephew of the late Mexican Ambassador at Washington, translated orally into Spanish all the remarks or speeches made by the United States Delegates. This applies as well to the observations and speeches made at various times by M. Léger, Delegate from Hayti, whose remarks in French were translated into English.

It is not within the province of this book to dwell upon the social functions given either by the Mexican Delegates, the Government, or to each other by the various delegations, but in all fairness to the Mexicans—and I desire to emphasize the fact—all the balls, banquets, receptions and other entertainments given by them were conducted with tact, delicacy and lavish expenditure. They fully sustained their traditional reputation as charming and dignified hosts.

## CHAPTER VII.

### THE POSITION OF THE UNITED STATES DELEGATION.

To those who followed carefully the debates of the Congress, nothing was more emphatically apparent than the wide difference which exists in the methods of government, general view-point, customs and practice between the various Latin-American republics and the United States. While, in many instances, the constitution of the former is modeled after that of the latter, in practice the general method of government is centralistic, and the statute and common laws are, as a rule, derived from the old Napoleonic Code. At the discussion of various committee reports and the consequent debates, this fact was forcibly evident, somewhat to the dismay of the more optimistic.

The Latin-American countries gave their delegates more power and breadth of action than was embodied in the instructions to those of the United States. They had no one else to consult but their Executive, because, though the findings of the Second Pan-American Congress were to be submitted in due legal form before the Legislatures of each country, it is a matter of fact that the difficulties of having the plans of the administration approved by those bodies are far less in Latin-America than in the United States. As the Hon. John Barrett said,



in part, in his farewell speech to his fellow Delegates, on December 20th, 1901:

"There is a peculiar condition in the United States, which possibly no other country on earth has to consider in its various deliberations. The United States delegation comes into this Conference, not only representing the United States as one nation, but as representing forty-five individual States; and it is absolutely binding upon the United States delegation, in all deliberations of the different questions before this Conference, that we should remember that anything to which we would set hand to here must be ratified by the United States Senate. The United States Senate represents forty-five different States of the United States; none of these Senators are responsible to the President of the United States; they are not responsible to the Secretary of State; they are responsible only to the Legislature of the respective States. Consequently, when any treaty or any proposition is considered, these various Senators vote on that treaty, or upon that proposition, not with reference merely to the recommendation of the President of the United States, or the Secretary of State, but with reference to the individual wish of their respective States."

This apparent weakness of the United States representatives was really its strength, and served as a beneficial restraint on the Congress, in the sense that it discouraged the presentation of many inconsequential or impractical motions, which would have



uselessly taken up the time of that body. The caution with which the Delegates of the United States were obliged to proceed placed them in a rather awkward position; namely, that of not appearing as progressive as their fellow Delegates when they opposed or blocked measures apparently worthy of unanimous approval, but which they knew would not obtain the ratification of their Senate.

This necessary attitude was, indeed, at times, a sort of disappointment to the other Delegates, who looked to the United States to lead in the proceedings, as the real initiator of the Congress.

The explicit instructions, however, of the Secretary of the State were not to take a prominent part, but to keep somewhat in the background, except at such times as the protection of their country's interests and policy required them to be firm; aiding and encouraging, at the same time, unobtrusively, all those measures which were practicable and not merely doctrinal and theoretical. They adhered consistently to these instructions, to such an extent that it was repeatedly hinted to them to come forward, and they were criticised, at times, for their apparent lack of decision and for not assuming that leadership which they were expected to wield.

They complied fully with their instructions, conducting themselves at all times with tact and discretion. The position was a difficult one, especially in view of the reported aggressiveness and imperialistic tendencies of the present Chief Executive of the

United States, whose attitude and view-point towards the sister republics of this hemisphere has been keenly watched by public men and press of those countries; who believed that the attitude of the United States delegation, inspired by President Roosevelt, would throw some light on what his policy would be with regard to them.\*

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\*See Appendix for "Instructions to the U. S. Delegates."

## CHAPTER VIII.

### THE PRESS.

The press of the world, with the exception of that of Latin-America, did not take a very great interest in the Second Pan-American Congress. Much comment was made, when the sessions began, to the effect that it would be a failure. Cartoons appeared, both in this country and abroad, ridiculing the so-called comic feature of holding a Congress having for its principal aim arbitration, when several of the participants were practically at war or likely to be so at any time. Interest was soon lost when it was discovered, to the dismay of the lurid sheets, that there would be no sensational events—no open quarrels—no fist-cuffs, nor drawing of machetes.

The same thing occurred at the Hague Conference. There the numerous journalists present from all parts of the world, finding no "stuff" for scareheads, declared that nothing short of a general disarmament could possibly make the Conference anything but a failure; and yet the Delegates to that great meeting accomplished their object. They laid the foundations of an international understanding to govern arbitration, as well as for claims concerning pecuniary damages, principles which were used as a basis for the deliberations of the Pan-American Congress on those subjects.

In the kaleidoscopic rush of events, the public of the United States, with feverish desire for sensational news as "breakfast tonics," gave but passing attention to the handful of workers in Mexico City. The interest was greater in Latin-America. Their press discussed, earnestly and at length, the different measures in their formative and final state as carried by cable or correspondence.

The representatives of the national and the foreign press, but for their vigorous protests, might have been excluded from the sessions of the Congress. The Mexican hosts, following the precedent established at the Hague and other Conferences, thought that they were rightly interpreting the general desire of the Delegates in not making any provisions for the representatives of the "Fourth Estate." In fact, several sessions were held before the newspaper men were admitted. As soon as it became known that the exclusion of the press was contemplated, a canvass of the opinions of the Delegates was made. Strong arguments were presented in favor of holding open sessions. The experience in this respect at the First Pan-American Congress was made evident. Señor Carlos Martínez Silva of Colombia, who was also a Delegate on that occasion, stated that the attempts to hold the sessions of the First Conference secret met with absolute failure; and that a leading New York daily gave on the day succeeding that of each session a complete account of what had transpired. As a result of this agitation, the question



was earnestly discussed in an informal manner among the Delegates, a majority of whom pronounced themselves in favor of holding open sessions, including the United States, whose Delegates seemed most active and interested in having the sessions public—or, at least, of admitting the newspaper men. The attitude of the United States delegation was presumed to be a natural one, in view of the complete liberty of the press in their country and of the vast and glorious part that it is taking in the intellectual development of the American people.

This question was discussed during two entire sessions; namely, those of October 30 and 31. At the first session, Delegate Pablo Macedo of Mexico said, with much justice, that the Mexican delegation, in formulating the by-laws, had, in reference to the press arrangements, only followed out the precedents established by the First International American Conference and by that of The Hague. The Peruvian and Chilean delegations both suggested a modification of the rules, by which the newspaper men might be admitted. Considerable debate ensued as to the wording of this amendment, the majority of the Delegates being in favor of admitting the press. After much discussion the Peruvian proposition was voted on adversely, and that of Mr. Matte of Chile carried by sixteen votes, against the nays of the United States, Mexico and Haiti. The regulations were then made to read as follows:

“*Article 24.* The deliberations of the Conference

shall be private, and, therefore, there shall be only admitted into the Hall of Sessions the Delegates, their secretaries, the Commercial Delegates, the Secretary-General and his secretaries, the directors of the International Union of the American Republics, the interpreters and stenographers of the Conference and the representatives of the press, in the number and according to the regulations that the President shall determine. The President shall take measures necessary for the observance of this provision; but he is authorized to deliver personally, or through the secretary's office, at the end of each session, a report for the press to contain a brief description of what has taken place during the same, as well as the text of the resolutions approved or definitely rejected.

"The Delegates who desire it may give the President a brief extract of the speeches they have delivered; in which case the extract to be given to the press must refer to them and shall be annexed as a copy.

"Should any Delegate request that any particular session be held in secret or that it may continue to be so held, a motion to that effect will be given the preference and be voted upon without discussion. If carried, the representatives of the press will not be admitted or will retire from the hall, as the case may be. All persons who may have been present at any secret session will be bound to maintain secrecy on whatever may have occurred at that meeting.

"The Secretary-General will keep a register where-

in copy of the notes or extracts, to be given to the press, are to be copied."

The Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, Dominican republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay, Peru, Uruguay and Venezuela voted in the affirmative; and the United States of America, Haiti and Mexico, in the negative. The vote of the United States was somewhat of a surprise, the Delegates claiming to have voted in the negative merely as a courtesy to their Mexican hosts.

President Raigosa ruled that on account of the lack of room in the Hall of Sessions, it would be possible to admit but three representatives; namely, one for the United States service, another for that of South America and a third to represent the local press, the latter being expected to form a temporary press association. To this effect he called a meeting of the local and foreign representatives. They met in the Hall of Sessions and the proposition was laid before them. After a somewhat stormy meeting, in which the representatives of the foreign newspaper interests abstained from taking any part, the local press insisted upon having a larger representation, threatening not to take any notice whatever of the work of the Congress. After much discussion, places were finally provided as follows: For a representative of the local press association that was to be organized to "cover" the Congress; a special seat for the managing editors or proprietors of the local news-

papers, they to occupy this place by turns; desks for the representative of the Associated Press and *Mexican Herald*; to the special correspondent of the New York *Sun* service and to the writer as the representative of the Mexican Telegraph Company, the Publishers' Press and Scripps-McRae Press Association and other interests. The Mexican Telegraph Company organized a free bulletin service for Central and South America, by means of which nearly all the newspapers of Latin-America were supplied with a full daily report of the happenings.

This arrangement was satisfactorily maintained during the entire life of the Congress. As a matter of fact, the majority of the local newspapers, so fearful of the supposed loss of rights or privileges, gave but little earnest personal attention to the Congress. The brilliant exception was the intelligent and accurate reporting of *El Imparcial* and the *Mexican Herald*.

The Delegates never made any complaint as to the accuracy and fairness of the reports of the newspaper men admitted, and those few malicious and unfounded rumors circulated abroad, chiefly of a personal nature, were always traceable to the willful exaggeration or incompetency of persons not present nor cognizant of the real situation of affairs. The vote of thanks unanimously passed, at the closing session of the Congress, by motion of Señor Alvarez Calderón, the Delegate from Peru, to the national and foreign press, is proof sufficient of the truth of the above statement.



As to the secret sessions, for which provision was made in the above-quoted resolution, this privilege was used on only two occasions, and in both instances the representatives of the press took pains to show the futility of such proceeding by cabling full particulars of the session happenings within a few hours of its closing.

Mr. Casaus, the Secretary-General, complying with Article 24 of the by-laws, supplied the press representatives with a summary of each sessions's proceedings, in both the Spanish and English languages.

It is believed that a fatal blow has been dealt to the advocates of holding secret sessions in connection with conferences or deliberative bodies where the interest and welfare of nations is being discussed, excepting when a legislative body deliberates on measures of national defense or of such a character as to require absolute secrecy for their successful accomplishment.

I fully agree with Mr. Frederick W. Holls, who, in his work on The Hague Conference, in reference to secrecy at committee meetings, says:

"Possibly fuller reports of the discussions even in the committees would have sufficed to change the attitude of the press—but it may well be doubted. On the other hand, there can be no question that but for the secrecy surrounding the deliberations, especially of the *Comite d' Examen*, it would have been impossible to remove some of the more serious difficulties and the Conference would have broken up without,

perhaps, accomplishing anything and having by its very failure done immense and irreparable damage to every peaceful, progressive and civilizing interest in the world."

Quite true. The committee-room is the place where all contemplated measures are molded into debatable form, after which they are not only before the consideration of the deliberative body assembled, but also before that of the world.

But Mr. Holls further says: "A departure for any reason from the safe rule of privacy during the continuance of the work would have done irreparable damage at The Hague, and *the same is likely to remain true in future conferences*. That this need not imply the slightest neglect of the tremendous power of the press is shown by the fact that a thoughtful and thoroughly competent journalist, such as the correspondent of the *London Times*, found no difficulty in furnishing reports which, while violating no confidence, still kept his constituency fully and accurately informed of the general progress of the work of the Conference."

Mr. Holls' opinion was not sustained at the Second International Conference, where the admission of the press has established a valuable precedent. There is nothing very remarkable in the fact that the correspondent of the *London Times* was able to give accurate reports of the proceedings, even though unadmitted. The journalists in Mexico City did likewise when the secret sessions were held.

The Hon. Pablo Macedo, Delegate from Mexico, in his very able speech in defense of the attitude of the Mexican delegation, of which no complaint is made, taking all precedents into account, made a statement, which, while compatible with the principles of an autocratic form of government, hardly applies to the methods supposed to be in existence among governments of a constitutional and popular character. The paragraph to which I refer is as follows: "But are we . . . to admit our several peoples to our deliberations, by allowing them to bring to bear on us the almost irresistible influence of the press? For, let us not deceive ourselves, Messrs. Delegates, once having admitted the press within this hall, during the discussion of matters which in their essence are diplomatic, we must either make up our minds to dispose of all such matters in a single session, or, if not, to come hither to every succeeding session, under the influence, (perhaps unperceived by ourselves, but not on that account less real) of the opinions expressed by the local press and the press of your respective countries, of which we shall learn by telegraph all the more quickly in proportion as the opinions propounded abroad are more radical and advanced."

The open discussion by the public and press of measures bearing directly upon the nation's welfare, even though of a diplomatic character, has and always will greatly influence the acts of legislators and diplomatists. While there are subjects upon which the

public at large is not in a position to form a correct judgment of, especially those dealing with intricate points of international jurisprudence, as a rule, the greater the publicity the greater will be the general efficiency of any measure of public weal.



## CHAPTER IX.

### FORMAL OPENING OF THE CONGRESS.

At 4 o'clock in the afternoon of the 22nd of October, 1901 (memorable date in the annals of conferences), forty-two Delegates, representing nineteen independent countries of the Western Hemisphere, met in the reception room of the Ministry of Finance, which had been converted into a magnificent Hall of Sessions. The moment was one of great historical significance. An exchange of significant looks and nods among the Delegates clearly meant, "At last." For over two years those interested in a more complete Pan-American understanding had worked incessantly, and used every possible effort, to bring about this meeting. Their gratification was tempered by some anxiety as to the final result, though it was, indeed, a great satisfaction to feel that at least whatever the result of the Congress might be, the representatives of every free Western nation were present.

After the Delegates had been duly seated by the Secretary-General, each delegation together, His Excellency Señor Ignacio Mariscal, Secretary of State of the Mexican Republic, in an address of great brilliancy and depth, said, among other things :

"It is more than eleven years since the International American Conference, destined to promote

friendly understanding and fraternal harmony between nations of this hemisphere, met at the City of Washington, for the first time in history. Since then a sufficient period has elapsed to reflect on the means conducing to so glorious an end, and events which have occurred in the whole world, as well as the efforts made in Europe with the noble object of obtaining similar results, whether of the old continent and some republic of ours, or among Spanish-speaking people, may serve us as a guide and example to advance so delicate an undertaking.

Undoubtedly, we should not despair owing to the little which apparently has been attained, if we compare the grand aspirations previous to gatherings, such as the one that is today inaugurated; because, if rightly understood, what has been obtained is not of such little importance, nor is there any reason to fear that this Congress will fail to make an advance on the work of its predecessor, whose labors can, in no wise, be considered as lost to the world. Every step that humanity takes in the true path of progress, however insignificant it may appear to be, if taken in the true direction of its well-being, which no thinker disputes, and which every philanthropist yearns for; every step having for its object purely humanitarian interests, is a conquest that can never be lost; is a stake firmly driven to point out the true pathway of advancement.

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“There can be no doubt whatever that the sentiment of friendship and fellow-feeling cultivated to

such a high degree by our Northern neighbor among the representatives among the three Americas, and the truly useful publications of the bureau established by the Conference at Washington, as well as the work so conscientiously accomplished by the Congress of the The Hague, brought about by the generous initiative of the Emperor of Russia, and, lastly, the interchange of feeling of affection which prevailed at the recent pleasing gathering of delegates from the Spanish-speaking countries; all these interesting studies, whose emotions seem, at first sight, only theoretical, though the outgrowth of pure sentiment, have not been vain efforts to realize dreams. Later on, they will lead to a practical result, and even now have given seasoned fruits which are plainly apparent to a careful observer.

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“From the moment that Mexico accepted the honor done her by the selection of her Capital for the second meeting of the Conference, she considered that this was a friendly gathering of sister republics, desirous of discussing matters pleasant and of unquestioned interest to all, in order to arrive at some solution which might be accepted, if not unanimously, at least by a great majority of those representing their countries. The expectation of this agreeable meeting, whose results may be perhaps the adoption of practical means for the general peace and progress to which we all aspire, or at least may lead to the desirable increase of mutual

sympathies and the disappearance of prejudices which may have sprung from a lack of cordial and frank interchange of ideas, that expectation which we Mexicans have cherished for the last few months, and which now becomes a reality by the pleasing spectacle of your presence, has filled us for some time with pleasure, mingled, it is true, with some anxiety, as we feared that some of our Southern brothers would not be with us. Happily, all are here represented, and as worthily as we could desire, the rest of the Spanish-American nations that had been invited being also among us. Had anyone voluntarily abstained from coming, our regret would have been the same, whether that country was most or least populous and rich, since they all enjoy perfect equality, and must be alike when voting and discussing, and are alike also in our hearts.

"You are, therefore, welcome, Messrs. Delegates, and you may be sure that your visit to this city is, and will always be, considered as one of the happy events in our history.

The same will happen, when, in a few days, you will visit other cities of our country, however rapid your visit to them may be. These are the feelings prevailing among my fellow-citizens, and you are most cordially received, not only by the Government, but by the whole people of the Mexican Republic."\*

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\*From the Official Minutes.



The President of the delegation from Peru, the Hon. Isaac Alzamora, who had been unanimously selected to answer Señor Mariscal's speech, in the name of the Delegates, rose and made the following dignified and suitable remarks:

*"Mr. Minister:* I have been honored in being asked to convey the ideas and sentiments of the Delegates assembled in this Hall, in answer to the speech that you have just delivered, and to all that the Mexican people have done and continue to do for the success of this Congress and for the satisfaction of its members and the Governments represented by them.

"Time enough had, indeed, elapsed to hold the Second Pan-American Conference, if the noble initiative of the United States Government, now seconded by the Mexican Government in a form for which the whole of America feels highly obliged, was not to be forgotten and fruitless.

"No matter how small the results of the first Congress may have been, as you say, we must not despair. The assembling of the entire American Continent to calmly deliberate upon its highest common interests, can never be fruitless.

"The allusion you have made to The Hague and Madrid Conferences, and, above all, to the persistent initiative of the most powerful States, to give life to these meetings, is a conclusive proof that we will attain results truly practical for the welfare of the people of the Continent.

"It is, indeed, very suggestive that the international propositions of peace and harmony, based upon justice, should originate with nations of great strength; and it is, doubtless, in the interest of the other nations to reciprocate that initiative.

"We appreciate that here there is no room for further struggles, beyond those very noble ones which have for their object the establishment of everything that is good. We can rest assured that no one will profane this great temple of American solidarity with questions which do not interest all, nor with rancors that could easily be thrown off before they entered it.

"Accept, Mr. Minister, for the illustrious Government of which you form a part, for yourself and for all the Mexican people, our most sincere gratitude and that of our Governments for the welcome you have just given us, for the different and repeated courtesies we have received since we stepped upon the soil of this noble and privileged country, for the efforts of all kinds that you have made, with brilliant success, in behalf of the Congress, and for those which you kindly promise to continue.

"On our part, we cherish the fervent wish that success may crown the efforts of the Mexican Nation, and that the fruits of progress and happiness may be showered upon the people who honor us with their generous hospitality."\*

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\*From the Official Minutes.

After the termination of Señor Alzamora's remarks, His Excellency Señor Mariscal said:

"In the name of the President of the United States of Mexico, I now duly declare assembled this Second International Pan-American Conference."

Señor Mariscal then requested that, according to the agreement, a president *pro tem.* be appointed for the discussion of the by-laws, a draft of which would be submitted by the Mexican Delegates. In compliance with this request, the Hon. Genaro Raigosa, president of the Mexican delegation, was elected president *pro tem.* On assuming the chair, the president of the Mexican delegation referred to the preliminary measures that the Mexican Government has considered necessary to adopt in organizing the staff of secretaries, following the precedent established at the International Monetary Conference of Brussels, in 1892, and at the Peace Conference at The Hague in 1899. The object of the Mexican Government had been to avoid loss of time in the organization of the detail work. He proposed the ratification of the appointments of the Secretary-General and secretaries to the Conference, which were duly confirmed.

The Hon. Joaquín Bernardo Calvo, Delegate for Costa Rica, and late secretary of the Costa Rican delegation to the First International American Conference, submitted the following resolution, which was unanimously adopted, to wit:

"*Resolved*, That the International American Conference, in commencing its labors in the City of



Mexico, believes it complies with a duty of solidarity in spreading upon the minutes of this inaugural session the names of those members of the First International American Conference assembled at Washington in 1899, who since then have died, and whose memories are gratefully cherished in their respective countries, and in the annals of the American continent, and who devoted their talents and constant energy towards peace and prosperity. The names of these deceased gentlemen are as follows: James G. Blaine, the noted statesman and moving spirit of the First Conference; Felix Cipriano Coronel Zegarra, Minister of Peru in Washington; Matías Romero, a renowned diplomat, and General Enrique A. Mexia, from Mexico; Jacinto Castellanos, from Salvador; William Henry Trescott, from the United States; J. G. do Amaral Valente, from Brazil; Hannibal Price and Authur Laforestrie, from Hayti, and Horacio Guzman, from Nicaragua."

The Hon. Luis Felipe Carbo, Delegate for Ecuador and the Dominican Republic, then presented the following resolution, which was unanimously accepted:

"Resolved, That we deeply lament the tragic death of President McKinley, who secured the requisite authority from the American Congress to convene this assemblage, which has met today under the auspices and through the splendid reception tendered by the Government of the Mexican people."

The Hon. Carlos Martínez Silva, Delegate for Colombia, suggested that the two foregoing resolutions



be communicated to the relatives of the persons therein mentioned ; and also that, as a sign of condolence, the session should adjourn. This suggestion, put in the form of a motion, was unanimously accepted, thus ending the deliberations of the inaugural session of the Second International Pan-American Congress.

From the Congress Hall the Delegates went in a body to the Presidential wing of the palace, where they were formally received by General Diaz and his Cabinet.

## CHAPTER X.

### EARLY SESSIONS.

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*The Colombia-Venezuela Incident.*  
*Discussion of the Regulations.*  
*Election of Permanent Officers.*

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#### THE COLOMBIA-VENEZUELA INCIDENT.

At the opening of the second session of the Congress Mr. Martín García Meróu, Delegate for the Argentine Republic, presented a resolution referring to the impending conflict between Colombia and Venezuela, in the name of his delegation and of those of Bolivia, Brazil, Paraguay and Uruguay, suggesting that a friendly and respectful message of peace be sent to these sister republics. It was during the debate on this motion that the suspected coalition of certain republics made itself manifest. A surprising unity of action was shown to defeat Chile in her well-founded objections to a hasty consideration of the subject. Subsequent events fully justified them.

Señor García Meróu made a brief reference to the reports of a pending conflict between Colombia and Venezuela, and expressed the opinion that the Congress, by its very character and the feeling of closer bonds which had caused its existence, could not remain indifferent to a situation of affairs that "can

easily degenerate into a bloody and regrettable war." The speaker stated that the situation demanded some action, respectful but prompt, on the part of the Congress, solely inspired by the friendliest intentions towards both republics, and concluded with the following resolution:

"WHEREAS, The American International Conference in Mexico, considering:

"That peace is the first condition for the prosperity and progress of nations;

"That harmony between the States represented in this Conference is indispensable in order that their work should have the hoped for result;

"That the Conference, invoking the common origin, historic traditions and the solidarity of interests of the Republics of Colombia and Venezuela, considers it opportune to address a friendly and deferential word to the governments of the countries before mentioned, in order to prevent any regrettable conflict which in the present circumstances might alter the cordial relations between those sister republics;

"Now, then, Resolved:

"1st. That it conveys its desire that the governments of the republics referred to, inspired by the sentiments already expressed, may reach an equitable and fraternal settlement of their present difficulties;

"2nd. That the President of the Congress be authorized to transmit this resolution by cable to the respective governments, in the hope that it may be received in the same spirit of cordiality and deference in which it has been inspired."

After this resolution had been read by the secretary, the Chair asked the assembly whether it should at once be taken under consideration. This query led to a protracted debate, which engaged the entire time of that session. Objections were made as to the propriety of presenting this resolution before the regulations had been approved.

Mr. Augusto Matte, Delegate for Chile, stated "that, though it is not possible to entertain other sentiments than those which have inspired the authors of this proposition," he considered that there was no urgent reason for putting it to a vote, and that it was preferable that it should be subject to the ruling provided for in Article 18 of the regulations proposed by the Mexican delegation, which stated that all propositions shall be referred to the proper committees, unless the Congress, by a majority of votes, should decide to either discuss or reject them immediately.

The Secretary-General, in substantiation of the procedure of the Chair, stated that the regulations proposed by the Mexican delegation were not yet in force, and that as the Congress was supreme in its decisions it had been deemed expedient to consult the same.

Mr. García Meróu then reminded the assembly that on the previous session a precedent had been established in the resolutions passed deploring the death of President McKinley and recalling to memory some of the Delegates to the First Conference that had since died.



Mr. Walker Martínez, Delegate for Chile, then rose and stated that "there was a lack of understanding in the matter; that the Chilean delegation did not refuse to cast a vote on the resolution, in so far as concerned its intent; but that he thought that it would be more logical and natural to approve at once the regulations which should be the basis for the debates of the assembly. On the other hand, it was difficult to form a correct judgment of a subject at a single reading, and even after being fully cognizant of its purport it was necessary that all the members of each delegation should consult each other as to the definite opinion which they would care to give upon it."

The majority of the Delegates did not realize the precedent fatal to the success of the Congress, which was being established. If it were within the prerogatives of this body to interfere in the quarrel of these two members of the Pan-American family, what was to prevent at any time the presentation of a motion asking that a similar step be taken in connection with any of the several boundary or other disputes now pending between our sister republics? Fortunately, neither the Colombian nor the Venezuelan Delegates resented this interference; but let us suppose, as an example, that the same suggestion had been made with reference to the acrimonious dispute between Peru and Chile; would not such an act have sounded the death-knell of the meeting?

We must not lose sight of the fact that the inde-

pendent element therein was bound to join in the defeat and suppression of all those acts or efforts on the part of either of the factions, which would establish dangerous precedents.

A lengthy discussion then took place as to the propriety of taking the matter under immediate consideration. Many opinions and suggestions were made. Delegate Pineda, of Mexico, said that the proposition of the Argentine and other delegations could not have been more opportune, generous or in accordance with the sentiments of fraternity which unite all the nations of America, but it would lose nothing by being submitted to the consideration of a special committee.

Delegate Carbo, of Ecuador and the Dominican Republic, made a similar suggestion, adding that he thought that reliable information should be obtained as to whether there was any immediate danger of war and as to the acceptability of this resolution.

Antonio Bermejo, of Argentine, defended the motion presented by his colleague, stating that to delay its acceptance would be to impair its usefulness and weaken its intent, and that it should be voted upon by acclamation, "as the spontaneous expression of a unanimous sentiment."

The Delegate from Colombia, General Rafael Reyes, stated that he had no intention of taking part in the debate if the real intent of the question were to be discussed, but as to its convenience and opportunity, he thought it was due to the assembly to state

that Colombia has no conflict with her neighbors, Ecuador and Venezuela. There being often only imaginary lines as frontiers, misunderstandings can readily occur, and although on this occasion such has been the case, it has not been through any action of their governments, Colombia, Ecuador and Venezuela having "but one soul and heart." The speaker said that the questions with Ecuador had been satisfactorily adjusted and that he hoped soon would be the case with Venezuela. He did not consider, however, that the suggested resolution was inopportune and felt grateful for the sentiments of sympathy which inspired it.

Mr. Gil Fortoul, of Venezuela, rose to say that he also would abstain from the debate if the substance of the proposition were to be discussed. Notwithstanding, he considered himself under the necessity of acquainting the assembly that his Government, in a note to friendly nations, has explained the circumstances which have led to a belief in other foreign parts that there exists a conflict between Venezuela and Colombia. Venezuela has asked for an explanation of the acts committed, not only on the frontier, but in its very territory.

Mr. Matte then said that the very discussion to which this proposition had given rise showed conclusively that it was necessary to approve the by-laws beforehand. That the resolutions passed at the previous session were of an entirely different nature, being acts of courtesy and of grateful remembrance.



He further stated that the respect due to the rights of Delegates counsels that they should not be forced to vote upon matters which they have not been able to study sufficiently.

The debate continued; several suggestions of a practically identical nature were made, and finally the Secretary-General, in order to end an interminable discussion, put the question to a vote as to whether the Argentine proposition should be taken up at once. The result was in favor of immediate attention, by nine delegations against eight, Venezuela and Colombia not voting. The ayes were: Argentine, Bolivia, Brazil, United States, Guatemala, Mexico, Paraguay, Peru and Uruguay; and in the negative Costa Rica, Chile, Dominican Republic, Ecuador, Salvador, Haiti, Honduras and Nicaragua.

The proposition of Mr. García Meróu was therefore immediately voted upon with the result that Salvador, Ecuador, Dominican Republic and Nicaragua voted in favor of the motion, explaining that as this suggestion seemed the will of the majority they had voted for it, and that their objections had been purely on the question of rules. The Delegates of Chile and Haiti joined Venezuela and Colombia in abstaining from voting.

The United States Delegates, unwilling to show but the liveliest interest in anything favoring the preservation of peace, voted with the majority, knowing well that there is a certain element in Spanish-America ready and willing to impute the most absurd mo-



tives to the most innocent acts of our foreign policy.

As provided for by the approved resolution, President Raigosa sent the following cable on that same day:

“*To His Excellency*      { VENEZUELA.—Caracas.  
    *the President of*    { COLOMBIA.—Bogotá.

“The Second American International Conference, considering that peace is the first condition for the welfare and progress of nations, and invoking the common origin, the historical traditions, and the solidarity of interests of the Republics of Colombia and Venezuela, deems it advisable to address a friendly and courteous word to the Government of Your Excellency in order to prevent any painful conflict that in the actual circumstances could change the cordial relations between those sister republics, and express to the Government of Your Excellency, as well as to that of <sup>VENEZUELA</sup><sub>COLOMBIA</sub> its desire that both republics, inspired by these sentiments, will arrive at an equitable and brotherly understanding of your present difficulties. The Conference entertains the hope that its resolution to address Your Excellency and the Government of <sup>VENEZUELA</sup><sub>COLOMBIA</sub> will be received in the same spirit of cordiality and courtesy by which it was inspired.

[SIGNED]

GENARO RAIGOSA,

*Delegate for Mexico and President Pro Tem. of the  
American International Conference.*

MEXICO, October 24th, 1901.”

At the session of November 2, Mr. Gil Fortoul addressed the Chair, stating that he had private information to the effect that an answer had been received from his Government to the message sent on October 23, and asked if the Government of Colombia had seen fit to reply.

President Raigosa admitted having received an answer from Venezuela, but none from Colombia.

Mr. Gil Fortoul then requested that the communication from his Government be withheld until that of Colombia had answered. He believed that diplomatic usage and custom would sustain him in this request.

The Chair manifested a perfect willingness to do this, if none of the Delegates objected.

General Reyes explained that on account of the revolution in Colombia and of the extensive land lines to Bogotá, it was likely that the message might be unusually delayed.

At the opening of the eleventh meeting President Raigosa announced that he was in the receipt of the Colombian message. He stated his intention of now reading both answers and suggested the advisability of holding a secret session. Some discussion arose; the matter was put to a vote, all being in favor of a secret session, with the exception of Paraguay. The secret meeting lasted one hour and twenty minutes. The answers of Colombia and Venezuela were read.

President Castro's note was of an insolent nature.

It precipitated a crisis in his Cabinet, and was chiefly notable for the ridiculous statements it contained. That Castro did assist the Colombian Liberals with arms, ammunition and supplies is a notorious fact. He said in part:

"As the impartiality of your judgment will be the best guarantee for your opinion, I call your attention to the important fact that the Venezuelan Government explained its conduct in this matter in a memorandum to friendly nations, and it would be very opportune if the Colombian Government in turn should—since it has not up to this date—explain to you its reasons for permitting its army on that occasion to cross our frontier in a warlike attitude and an infamous and perfidious manner, no declaration of war having preceded it, and thereby causing great calamities to Venezuela.

"Colombia has been influenced only by the desire to establish conservative governments in the neighboring republics, as appears from official documents issued by the Colombian Minister of War since April 1.

"Furthermore, shameful insults to the Venezuelan Government constantly fill the columns of the Colombian official press. No case can be cited of the Venezuelan press indulging in such degrading conduct, wounding the majesty of the Colombian nation in the person of its magistrates.

"I thus sum up the desire of Venezuela to be that of peace with all civilized nations, but an honorable,

fruitful peace, worthy of the existing civilization and progress."\*

Colombia's answer, which has never been made public, was gracious and of few words. It contained no charges or recriminations. The Congress was thanked for its friendly message, but "there had been no declaration of war, nor would there be. The Government would always appreciate the good offices of friendly nations, in case of conflict, if compatible with its dignity."

At this secret session no debate took place, it being resolved that the communications in question be filed and not replied to. High indignation was expressed at the Castro note by those delegations that had inspired this act of the Congress. Haiti and Chile, the objectors to this step, which was wholly without the province of the Congress, were vindicated.

#### THE REGULATIONS.

At the third session, the regulations proposed by the Mexican delegation were placed under discussion, and, at the suggestion of several members, were taken up chapter by chapter. These were debated upon during five sessions, and substantially modified, though the Mexican draft was accepted as a basis. It was agreed to hold the meetings three times a week—on Mondays, Wednesdays and Fridays, from 10 o'clock to 1 each morning. Special meetings could be called for by the President.

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\*Literal translation.



When the second chapter, which refers to the various committees, was reached, Mr. Henry G. Davis, Delegate of the United States, suggested that a special committee of seven members be appointed by the Chair, "whose duty it shall be to designate and report to the Conference, as early as practicable, such committees as in its judgment should be appointed, to facilitate the business of the Conference; and the number of members which each committee shall have, with the exception that each republic shall name one Delegate to serve on that of arbitration." Mr. Augusto Matte, of Chile, seconded this motion, which was approved by all, with the exception of the Delegate from Brazil, who had made a somewhat different suggestion.

President Raigosa, pursuant to the dictates of the Congress, named the following committee: Henry G. Davis, United States; José Hygino Duarte Pereira, Brazil; Luis F. Corea, Nicaragua; Antonio Lazo Arriaga, Guatemala; Carlos Martínez Silva, Colombia; Juan Cuestas, Uruguay; Cecilio Baez, Paraguay.

At a subsequent session, the above committee presented its report, suggesting the following classification:

1. Arbitration, nineteen members.
2. Water Transportation, seven members.
3. Commerce and Reciprocity, nine members.
4. Tribunal of Equity or Claims, seven members.
5. Pan-American Railway, nine members.

6. Reorganization of the Bureau of American Republics, five members.
7. International Law, seven members.
8. Extradition, and Protection Against Anarchy, five members.
9. Pan-American Bank and Monetary Exchange, seven members.
10. Sanitary Regulations, seven members.
11. Patents, Trade-marks, Weights and Measures, three members.
12. Practice of the Learned Professions and Literary Relations, three members.
13. Resources and Statistics, seven members.
14. Interoceanic Canal, five members.
15. Agriculture and Industries, five members.
16. Rules and Credentials, three members.
17. Future Pan-American Conferences, five members.
18. General Welfare, seven members.
19. Engrossing, three members.

#### PERMANENT OFFICERS.

The regulations disposed of, and the committees duly appointed, the Congress proceeded to the election of officers.

Mr. Bello Codecido, Delegate for Chile, at the sixth meeting, presented a motion to the effect that "the Conference decides to elect His Excellency the Secretary of State and Foreign Affairs, Mr. Ignacio Mariscal, as its Honorary President." This was sec-

onded by various delegations, and unanimously approved.

It was the desire of the majority that former Senator Henry G. Davis, chairman of the United States delegation, should be the permanent presiding officer, but he steadfastly declined, though appreciating the honor conferred. Mr. Davis was an active member of the First Pan-American Congress, and very highly esteemed by all. Two powerful reasons moved him to decline. One was his inability to speak the Spanish language, and the second was the expressed intention, already referred to in a previous chapter, of the United States delegation to refrain from taking a leading part in the proceedings. Secretary Hay believed that not only should the Congress be held outside of the United States, as President McKinley suggested, but that the representatives of that country should do no act nor accept any honor which might in any way substantiate or corroborate direct or implied charges that the influence of the most powerful Pan-American nation had been brought to bear upon this deliberative body, for the benefit of its private interests.

Notwithstanding the Delegates were desirous of placing on record their intention of honoring Mr. Davis, both as the representative of one of the inviting nations, and on account of their esteem for him. Therefore, the Colombia delegation presented a proposition to the effect that Mr. Davis should

be elected by acclamation as the permanent President of the Congress. General Reyes spoke in favor of the motion of his delegation. Mr. Charles M. Pepper, speaking in Spanish, in the name of the United States delegation, thanked the Conference for the honor they desired to confer. He understood that in honoring a United States Delegate, they gave evidence of affection and sincere friendship, as well as generous confidence, to his country, and that he was sure that the people of the United States would understand it so and feel grateful, considering it as reciprocal for the cordial sentiments that the American Nation entertains for its neighbors of this Continent. He concluded by requesting that the Delegates should not insist upon the motion just presented.

Mr. Davis, in thanking the Congress for the proffered honor, regretted that a consistent course would not permit him to accept. He stated that the United States was present at this gathering to "assist all of the republics of America in whatever may lead to good, especially to peace, harmony and good-will to all." \* \* \* "Eighty millions of people," concluded Mr. Davis, "in the United States stand ready to assist, in any proper way they can to bring about the best results for the good of the American republics. We are, as you know, a happy, true, loyal, independent, and liberty-loving people, and we say to our friends on our South that we want no further territory; but we are firm,



as firm as the Medes and Persians were, in what is known as the Monroe Doctrine, which means that your territory is to be protected, your political rights, your commercial rights and your liberties forever guaranteed."

This reference to the Monroe Doctrine created quite a sensation at the time, and was widely commented upon by the press in general.

Mr. Carbo, of Ecuador, arose to say, that the remarks of the American Delegates did honor to their authors, to their country, and to the State Department that inspired them. He stated that as the Congress cannot confer an effective honor on the United States, the delegations of Ecuador and Santo Domingo, supported by those of Central America, proposed another Honorary President in the person of the Secretary of State of the United States, the Hon. John Hay. The speaker paid a glowing tribute to the efforts of Mr. Hay to bring about this Congress, "inspired by the best sentiments of American fraternity." He expressed the belief that his motion would be unanimously accepted, and with general satisfaction.

Mr. Calvo of Costa Rica said that the motion of Mr. Carbo needed no seconding, though he desired that his country be placed on record as doing so. He stated that it was due to Mr. Hay in the first place that the representatives of all the countries which form the Bureau of American Republics, are assembled here to-day.

Mr. Corea, of Nicaragua, agreed heartily with both the former speakers, and moved that the proposition be voted upon by acclamation.

The Chair put the question to the Congress, and in answer all the Delegates rose enthusiastically and applauded. The President announced that he would advise Mr. Hay of his nomination by telegraph.

Following the order of the day, Mr. Genaro Raigosa, Delegate for Mexico and President *pro tem.*, was elected as the permanent presiding officer. All delegations voted for him, with the exception of his own, which cast a complimentary ballot for Mr. Davis.

Mr. Raigosa, in most appropriate and modest terms, thanked the Congress for the honor conferred.

Mr. Hygino Duarte Pereira, of Brazil, was then elected First Vice-President, and Mr. Baltazar Estupinian, of Salvador, Second Vice-President.

Ten sessions were held from the inaugural one of October 22. As soon as the Congress had determined upon the permanent committees and the regular officers, numerous projects were presented by many of the delegations bearing upon the different subjects which had been selected for discussion. These were referred by the Chair to the committees in charge. At the tenth session, on November 8, it was agreed to adjourn for fifteen days in order to take part in the excursion which had been

arranged on a magnificent scale by the Mexican Government to the historic cities of Puebla and Orizaba. The consensus of opinion was in favor of this adjournment, though it would lengthen the existence of the Congress, because it gave an opportunity for a mutual exchange of opinions on the projects offered to the committees. Many of the delegations desired to consult with their Governments, and consequently welcomed the delay.

The sessions were renewed on November 27, twenty-nine meetings being held from that time until the 31st of January, the closing one. The chapters that follow are devoted to a review of the several measures approved, as well as to a concise analysis of the debates incident to their adoption.

## CHAPTER XI.

## ARBITRATION.

Unlike the Peace Conference at The Hague, neither the First nor the Second Pan-American Congress discussed exclusively questions bearing upon methods for the elimination of warfare or rules to govern the same among the civilized nations, when such a step was unavoidable. On the contrary, the programmes issued by the inviting governments when these gatherings were convened mentioned the subject of arbitration, which is considered naturally the only remedy for the prevention of war, in stipulated cases, as merely one of the incidental features of the same. These deliberative bodies were asked to gather for the discussion, in a friendly spirit, of the best practical and feasible methods of harmonizing mutual interests and of seeking mutually advantageous solutions to a number of problems.

Quite naturally, the public mind, assisted, if not entirely guided by the press, should have dwelt upon the only feature that was at all sensational. It was, indeed, stirring to think that the young nations of America, breaking the fetters of tradition and setting an example to efféte Europe, should, by mutual consent, agree to dispense with savage warfare and in one stroke of the pen accomplish that which has been a utopic dream for centuries. And the average reader



in this country immediately formed a mental picture of Uncle Sam leading the procession and urging his more quarrelsome neighbors to the south to join in the grand love feast.

Notwithstanding the delight which these ideals inspired in the hearts of all righteous people, we should have to eliminate and put aside all consideration of the very primordial reason for our life as a nation and as individuals. In both cases present existence depends upon the extermination of a former existence, and we thrive, as a nation, because we destroyed other peoples and took possession of their lands; and as individuals we profit by the extinction of others, whom we promptly destroy if our own existence be menaced. The spirit of self-protection governs the acts of man. When his interests are at stake, financially, his kin in danger or his honor questioned, he will fight just as the gorillas in the jungles do concerning the proprietorship of a bunch of bananas.

To counteract this innate savagery which civilization has to a great extent obliterated and which nowadays is felt principally by the occurrence of legalized murder known as war, unavoidable at times for the defense of a just cause or the protection of national life or honor, the thinkers and philosophers of the last few centuries have given a gradually increasing interest in determining upon some method or scheme that would lead to a permanent peace between States, and induce them to settle their quarrels in the same fashion that the individuals of these same na-

tions adjust theirs, namely, through the decision of a Court of Arbitration.

Peace congresses have met and discussed the theme, conferences have been held and lectures delivered, and many pamphlets written on this subject, which has a fascinating interest for all fair-minded and humane beings. Several powerful rulers have, animated by widely different motives, attempted to establish an order of things that would be governed by the essential principle of arbitration—the peaceful adjustment of an existing difference. Henry IV of France conceived the absurd scheme of a confederation of all the Christian States of Europe. The dreams of a world-monarchy of Napoleon I. were not the result of a disinterested hope for universal peace, but for the aggrandizement of France at the expense of the rest of Europe. The Treaty of the Holy Alliance was ostensibly for peace, but proved to be an act of despotism; and as a menace to the integrity of other nations led to the famous declarations of President Monroe, which are known today as the Monroe doctrine. Alexander I of Russia, animated undoubtedly by the sincerest of motives, suggested that the European nations effect a general disarmament. The proposed Conference never met. Likewise did Napoleon III fail in his attempt to settle international difficulties by the agency of congresses.

In the American continents several attempts have been made to secure by mutual agreement a release from the devastating results of war, as well as a

unity of action and understanding against a common foe. In 1826 the Congress of Panama had for its main object Bolivar's suggested confederation of the recently organized republics of South and Central America for mutual protection and assistance against the tyranny of any powerful European nation. It was proposed that any difference between them would be adjusted in a peaceful manner. The resolutions passed on this memorable occasion were never ratified, nor were any steps taken for mutual protection; thus, if there was not sufficient inducement to lead them to take measures for the safeguard of their national life, it was not likely that the question of arbitration would be given earnest consideration.

The principal object of the Congress of Lima, in 1847; of Santiago de Chile, in 1856; again in Lima, in 1864, was similar to that of Panama, for mutual defense and peace by arbitration among the signatory nations. The declarations of these bodies never received any serious consideration by the respective adherents thereto.

At the First Pan-American Congress, which met in the City of Washington in 1889-90, and at which were present all the nations of North, South and Central America, elaborate resolutions were passed on the subject of compulsory arbitration. A treaty was formulated which has never been ratified by any of the parties to it.

In recent years the most advanced practical step toward a solution of the arbitration problem was



made at the Peace Conference which met at The Hague in 1899, convened by Nicholas II, for the purpose of coming to an understanding, among the nations of the world, regarding the reduction of standing armies and other measures intended to bring about a peaceful adjustment of international disputes. At this great meeting, where some of the most brilliant statesmen and jurists of the world gathered, three important conventions were signed. The first was for the peaceful settlement of international conflicts, the second indorsed the principles of the Convention of Geneva relating to Maritime Wars (August 22, 1864.), and the third referred to the laws and usages of wars on land. The first agreement deals with mediation and good offices and the arbitration of questions not affecting the independence, integrity or sovereignty of a nation. It is entirely facultative. This assembly pronounced itself against compulsory arbitration in its broadest sense, deeming it impracticable, because, said the Russian Government in the explanatory note to Article VIII of their project of arbitration, "No government would agree to assume beforehand an obligation to submit to the decision of an arbitral court all conflicts of an international nature, if they involved its national honor, its vital interests or inalienable rights."

The work of The Hague Conference consists of the most practical and feasible advance in the premises, embodying the consent thereto of nearly all the civilized nations of the world. No question is raised



as to the great desideratum of compulsory arbitration, as a theory; unfortunately, logical reasoning makes it apparent that diplomats in dealing with this perplexing subject must perforce take into consideration existing conditions and protect the interests of the nations they represent.

If we believe that unrestricted compulsory arbitration is impracticable, we are confronted with the fact that voluntary or facultative arbitration and compulsory arbitration, with the saving clauses on questions involving "the honor or dignity of the nations," are to all purposes one and the same thing. The question arises at once as to what are the differences between nations that do not affect their honor and dignity? The difficulty immediately which presents itself is that of knowing when those principles may be involved and invoked and arbitration therefore declined by the interested party. No rule can be formulated to govern all cases, and issues of trivial importance to one nation might seriously affect not only the national honor but the very life of another. Each country is the only judge as to those issues.

Mr. Fernando Cruz, Delegate for Guatemala to the First Pan-American Congress, arguing in favor of absolutely obligatory arbitration, without any saving clauses whatsoever, stated: "There is no subject, whatever it may be, of which it can be said that it does not affect honor and national dignity, and to leave the recourse to war open for such cases would be not to have progressed at all."

Calvo, the great Argentine authority on international law, says: "Arbitration may embrace all kinds of international disagreements or debates, excepting those in which the national honor or dignity are directly at stake. They are born of a deep and we might say personal feeling in reference to which a third State could not constitute itself judge."

Professor Bry says, in his recent work on international law: "It is necessary, however, not to illude ourselves in believing that arbitration will force itself on every occasion as a needful medium, always acceptable by nations. When honor is compromised or when a country's independence or the integrity of its territory threatened, there is but little hope of avoiding a conflict by placing the high interest of a State in the care of a friendly power. It is therefore not possible to think, in view of the present state of feelings, of imposing arbitration in an obligatory, general and permanent fashion."

How could a nation refractory to a supposed universal agreement to compulsory arbitration be forced to comply with the conditions of the treaty? Would not the very resistance, justified or not, lead to that belligerent state which it is aimed to avoid? The question is clearly one which lies entirely within the decision of each State, which is the only one competent to signify its acceptance or refusal of the principles of arbitration to govern each and every specific instance. Some of the deepest thinkers of modern times believe that voluntary arbitration, with

provisions similar to those embodied in The Hague Treaty, meets the issue in a far more effective manner than any obligatory treaties, which are believed to be utopian and impracticable. It can only be hoped to create a moral influence in favor of and a tendency to arbitrate all those difficulties at all susceptible of a pacific solution; for nations, like individuals, are influenced by public opinion and guided by precedents.

As the Congress at Washington had agreed on a declaration in favor of compulsory arbitration, embodied in a treaty which was never ratified by any of the signers, it was presumed and hoped by a certain element that the Congress of Mexico would endorse the efforts of its predecessor. However, it soon became apparent that on this and other subjects, philosophic and purely theoretical recommendations, impossible of practical application, would not lead to any positive results, unless the necessity were understood to suggest and agree only to such measures as would be acceptable to the respective Governments in harmony with their policy, customs and traditions.

Compulsory arbitration was to be raised as the battle-cry of a certain faction, intent upon giving the Congress a political instead of a deliberative and legislative character, to serve their own ends. Were the majority of the advocates of the same honest in their endeavors to secure for the nations of America an idealistic condition of perpetual peace, and



did we not know that it was part of a premeditated plan to gain a political victory over a common enemy, we might, while disagreeing with them, give it our hearty support. Unfortunately, it is only too evident and self-confessed that, by securing the consent of the majority of the delegations to a plan of compulsory arbitration, to include "present questions," Peru and her allies cherished the delusion that they would then be able to find some method of bringing to the notice of the Congress her quarrel with Chile over the manner of conducting the plebiscite concerning the proprietorship of the Provinces of Tacna and Arica. (See Chapter I.) The nations that were not direct parties to these tactics were either following the traditional policy of their country, or had a vital interest in signing treaties of obligatory arbitration with some more powerful neighbor. It is always to the advantage of the weaker to be able to arbitrate with the stronger. Other nations, led by the United States and Chile, were in favor of unanimous endorsement of The Hague Conventions, or the drafting of a treaty of similar purport, which might reasonably be expected to receive the endorsement of the respective countries. They never lost sight of the fact that their labors would be fruitful only if kept within the domain of practical politics.

To summarize, the feeling was divided broadly into three groups. The advocates of compulsory arbitration as a political measure; the independent



ones, some of whom were anxious to sign binding arbitration treaties with their neighbors; and, finally, those who by their instructions or convictions could not or would not exceed the boundaries of reality and fact.

The Mexican hosts were very anxious for the prestige of the gathering that was being held in their beautiful Capital, that, in the matter of arbitration, something more advanced than the resolutions at The Hague should be agreed upon. Their policy on this question, as evinced at Washington in 1889, has always been a compromise between the extreme views. They submitted a project at an early session, and while embodying the essential feature of The Hague agreement, it contained a radical difference in the attempt to specify the instances when a nation cannot consider "their independence or national honor" affected, which were duly enumerated. It was also provided that arbitration shall include all present questions, excepting those which any signatory nation may designate in a special saving clause at the time of signing. Another feature was embodied in Article xviii, of Chapter II, which stated:

"In the controversies which may occur between the nations of North, Central and South America, affecting their independence or national honor, arbitration will be voluntary for the nation which considers itself offended, and in all cases obligatory for the offending one."

The Committee on Arbitration, which was composed of nineteen members, one for each nation, appointed a sub-committee to report on this project. It soon became apparent that the scheme would not have the unanimous approval of the extremists, who were not pleased with the saving clauses referred to, believing that it did not give the treaty the amplitude they desired. This well-intentioned conciliatory effort of the Mexicans did not meet with the support of the United States, as had been confidently expected, and the further objections of Chile caused its abandonment.

It was then that, while discussing other themes, the fight over arbitration began. In keen diplomatic battle, by skilful thrust and parry with the weapons of argument and persuasion, the rival factions sought friends and partisans. The sub-committee met in a perfunctory manner, but the hard task of conciliating all these antagonistic view-points devolved upon the Mexican Delegates, and, toward the end, the friendly influence of the United States was sought. A number of impossible suggestions were made, while others would appear to be acceptable until rendered useless by some unexpected objection. The success of the Congress was in the balance; the precipitation of events or the slightest untoward move, bearing in mind the existing strain, might have brought about a clash. A heated debate at the time would unquestionably have been of such a character as to result in the withdrawal of

some of the delegations, and the consequent failure of the Congress.

The first step out of which finally evolved the solution of the question was when it was suggested to the contending parties that it be mutually agreed that the Congress should signify its unanimous adhesion to the Conventions of The Hague, but without any debate; and that the supporters of a plan of compulsory arbitration should sign such an agreement among themselves outside of the Congress, transmitting it to the Chair with the request that it be referred to the Mexican Foreign Office and from there communicated to the respective governments.

All the delegations accepted this plan, and it seemed for a few hours as if the dark clouds had passed away, when the horizon was again obscured by the occurrence of an unfortunate misunderstanding. When the written draft of this compromise plan was presented by Mr. Buchanan, acting as mediator, to the Chilean delegation, whose acceptance had been so far verbal, it was found to contain a clause stating that, according to Article XXV of the regulations, the outside agreement for compulsory arbitration was to be incorporated in the final minutes. This led to a protest on the latter's part, on the grounds that they had not been advised of this provision. They reasoned that no act outside of the Congress could be incorporated with the official ones of this body. Article XXV read :



"The day before the closing of the sessions of the Conference shall be devoted to discuss and approve the minutes, written and printed in Spanish, English, Portuguese and French, wherein shall be contained the resolutions or recommendations that the Conference may have discussed and approved during the debates. The original minutes shall be signed by all the delegations."

Mexico and the United States seemed inclined to admit the justice of the Chilean objection, and were in earnest search of some other form of compromise. The partisans of compulsory arbitration, notably the Peruvians and their friends, insisted upon the compliance of the original understanding. It was then that the most critical epoch occurred in the history of this international gathering, for the tension reached such a point that the delegations of Argentine, Bolivia, Peru, Paraguay, Venezuela and Santo Domingo did not present themselves at the twenty-eighth session, January 10th. They declared their intention of not participating any further in the meetings until some steps, satisfactory to them, were taken on the arbitration issue. This was practically an ultimatum to Mexico and to the Congress in general.

This action caused a flurry among the hosts, who after consulting the other delegations interested, proposed to the former the suppression by unanimous consent of Article XXV, by which there would be then no compilation at the end of the session of all the acts of the Congress. It was intended that the min-



utes as issued from day to day should be the official records. This suggestion was accepted by the delegations that had withdrawn, who now feeling stronger in their position, added as a further condition that both projects of treaty should be signed outside of the Congress, if they could not be within, in order to give them equal standing. Under this arrangement the sub-committee on arbitration was to declare its inability to come to a satisfactory understanding and dissolve.

In the earnest belief that this plan, unsatisfactory as it was, was the only way out of the difficulty, led the Mexican and the United States conciliators to suggest its acceptance to the others who concurred in their opinion, with the exception of Chile and Ecuador. The former declared her intention of retaining complete liberty of action, basing her objection upon the opinion that the adhesion to the Conventions of The Hague should constitute an official act of the assembly. The Delegate of Ecuador gave the same reason, adding that his powers did not authorize him to sign any treaty excepting in his official capacity as a Delegate.

The result of all this was that at the following or twenty-ninth session the protestants again occupied their accustomed seats, having received the assurance that their terms would be accepted. At this session Article XXV of the regulations was suppressed.

At the following, or thirtieth session, three communications were laid before President Raigosa by

the Secretary-General, Mr. Casasus. One informed the Chair of the adhesion of fifteen delegations to the Conventions of The Hague, signed by Guatemala, Mexico, Haiti, Peru, United States, Uruguay, Argentine, Costa Rica, Honduras, Nicaragua, Paraguay, Bolivia, Santo Domingo, Colombia and Salvador. The second was to the effect that the delegations of Argentine, Bolivia, Santo Domingo, Guatemala, Salvador, Mexico, Paraguay, Peru and Uruguay had further agreed upon a project for a treaty of compulsory arbitration. Both of these documents had, according to agreement, been signed outside of the Congress and were to be read as a matter of information and referred to the Mexican Foreign Office, which, as previously explained, had originally been the plan devised only for this last communication on compulsory arbitration. The third was a project for the unanimous adhesion of the Congress to the Conventions of The Hague, presented by the Chilean delegation. The radical difference between this document and the others was that it was not a document of mere information, but a project which, according to all rules and precedents, must be referred by the Chair to the appropriate committee. In this fashion Chile desired to make patent her adherence and belief in the Conventions of The Hague, although her signature did not appear on the protocol to that effect signed outside the Congress, in view of the objections already stated.

After the Secretary had read the first document, Mr. Blest Gana, chairman of the Chilean delegation,

requested the Chair "that, before giving the customary ruling, the President should order the reading of a project on the same matter presented by the Chilean delegation, and which is in the hands of the Secretary, since said project coincides in ideas and desires with the treaty that has been read." This request, however, was disturbing the compromise plan. Chile's denial to agree to it and determination to maintain her liberty of action had forced the majority to decide to carry out the contemplated steps without her co-operation or that of Ecuador. The Chair therefore ruled that the communication just read should, according to paragraph 7 of Article I of the regulations, be referred to the Secretary-General. This portion of the rules, which refers to the duties of this same official, reads as follows:

"7th. To be the intermediary between the delegations, or the members thereof, in all that may refer to the matters relating to, or connected with, the Conference and meetings of the delegations and public authorities of the republic."

Mr. Walker Martínez, of the Chilean delegation, protested against the ruling and invoked Article X of the same regulations, by which "The minutes, once approved, the Secretary shall inform the Conference of the new business presented after the preceding session, and the President shall then rule that the subject-matter of each be referred to the proper committee."

It is interesting to note the peculiar condition of affairs at this time. Here an apparently trifling ques-



tion of a ruling caused a lengthy debate.\* The objections made to the Chair's decision, which in reality did violate all precedents, obstructed plans which had been formulated as a compromise on the delicate subject of arbitration, and which necessitated a deviation from the rules for their accomplishment. The stand taken by Chile served to emphasize the unanimous decision to adhere to The Hague Conventions. The latter realized that if the two communications were read and disposed of in their order that their project would have no "raison d'être," for it would be stated with all reason that the question of arbitration had been disposed of, and, to use a colloquial expression, they would have been "left out in the cold." So that while apparently the discussion was on a point of order the debate brought forth the unequivocal truth that all the nations present were in favor of adhering to the Conventions of The Hague, and the Chileans aimed to have this fact placed on record, as well as their attitude on the question, so that the official minutes would show their position, should they be outvoted and denied recognition for their project.

As a result, after three days' debate, within the Congress, and much wire-pulling out of it, Mr. Buchanan, Delegate of the United States, was authorized to "respectfully request the Chair, in the name of the delegations who have signed the protocol, and with the consent of the delegation of Chile and that of

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\*See Appendix.



Ecuador, to transmit with said protocol the minutes of the past two days referred to, in order that the protocol and the said minutes shall be communicated to the Minister of Foreign Affairs of Mexico in the form and manner expressed by said protocol, requesting said Minister, in addition, that these documents be communicated to the respective governments represented in this Conference as an expression of the general adherence to the Conventions of The Hague, and that these explanatory remarks shall be forwarded alike to said Ministry."

Mr. Buchanan should be given due credit for the masterly manner in which he devised this solution of the difficulty.

President Raigosa then ruled that "when sending the project of the treaty and the petition signed by the fifteen delegations to the Department of Foreign Affairs of the Mexican Republic, the same should be accompanied by a certified copy of the minutes of the last sessions, as soon as they are approved, and of the present one in so far as they bear on the subject, for the purpose of proving the unanimous adherence to the Conventions of The Hague,\* and that the same might be so communicated to the governments represented in the Conference."

A request on the part of the Chilean delegation was also granted to the effect that the preamble to their project for a treaty of adhesion to The Hague Conventions be added to the minutes of that day.

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\*See Appendix for text of this treaty.

Immediately following this the Secretary read the communication already referred to from the nations signatory of a treaty of compulsory arbitration, which was passed without debate to the Mexican Foreign Office.\*

A sigh of relief rose from all quarters. The storm had been weathered.

Knowing that all the nations were in favor of voluntary arbitration, as signified by their adhesion to The Hague Conventions, it may be interesting to analyze the reasons that led nine of them to sign the project for a treaty of compulsory form.

Taking the countries in their geographical position, from north to south, we note that Santo Domingo was willing to agree to the obligatory plan by reason of her unsettled boundary disputes with Haiti; Mexico, as her project showed, has evinced a policy on this question which does not reach either extreme view. Her signature was considered a delicate concession to secure harmony. Guatemala was glad to sign such an agreement with her neighbor, Mexico; while the little Republic of Salvador was likewise delighted to join her stronger neighbor, Guatemala. Well-known reasons governed the actions of Peru, Bolivia and the Argentine, and with the latter most naturally gravitated Paraguay and Uruguay.

As to Venezuela, her delegation was withdrawn by cable just as the remaining representative was

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\*See Appendix for text of this treaty.

about to sign both treaties, which was not in harmony with his instructions. Though urged to appoint a new Delegate, this country discreetly abstained from dabbling in the arbitration wrangle.

The death of that notable jurist, Señor José Hygino Duarte Pereira, gave Brazil also an opportunity of refraining from any further participation in the meeting, though the Congress, as a body, signified the pleasure that would be felt if the secretary of the Brazilian delegation, the able Consul-General of Brazil in New York, were to be appointed.

Speculation only can exist as to what the attitude of that country would have been, for though Mr. Duarte Pereira was in favor of compulsory arbitration for judicial questions only, namely those concerning pecuniary claims, it was doubtful as to what ultimate attitude he would have been obliged to take, in view of the friendly relations of his Government to both Chile and the Argentine.

Concerning the United States, we can justly be proud of the skill of our Delegate who was so deeply concerned in the final happy solution, through his personal ability and with the hearty support and confidence of his Government. It has long ago been realized that the principle of compulsory arbitration, which was idealistically and honestly championed by Blaine at the Congress of Washington in 1889-1890, was, though advocated in good faith by several nations, but in reality an excuse for political machinations. Since that event the United



States Senate has given its opinion in the premises by the rejection of the Olney-Pauncefote project of arbitration. The most elementary principles of diplomacy, and the peculiar position of this country towards the Latin-American republics, suggested the advisability of not doing anything that might magnify that feeling of uncertainty, so ably fomented by their clerical press, as to the foreign policy of the United States. In consequence, it was deemed expedient for our future political interests that, without arousing any unfounded apprehensions, some positive declaration be made of our attitude. The position of Chile furnished an opportunity that was not neglected. Had all or a great majority of the delegations favored compulsory arbitration, would not the isolated position of the United States have been embarrassing? But Chile, "the arrogant and pugnacious republic," really dragged the chestnuts out of the fire for "the Colossus of the North."

It was unquestionably the aim of the United States that the adhesion to The Hague Treaties should receive greater emphasis and be given more importance than the treaty on compulsory arbitration. This was obtained by the debate forced by Chile upon the Congress.

It has been charged lately with much insistence that the United States has changed its attitude on the subject. The only declaration of importance in the premises was made at the Congress of Washington, in a project for a treaty, which was never taken under consideration by the United States Senate



for the reason that it contained provisions and stipulations entirely beyond the domain of present day diplomacy. Evidently this same point of view was taken by the public men of the other signatory powers, for might we ask our reproachful friends if any of the latter have ever had it under consideration by the respective legislative or executive branches, and if so, has the ratification of the aforesaid project for a treaty ever been sent to Washington for exchange, as provided for in Article XIX of the same?

Why? Because compulsory arbitration for all questions but those relating to pecuniary claims for damages is not acceptable in practice, though theoretically most desirable. The majority of our sister republics, for all of which we cherish a sincere feeling of good will and a deep interest in their prosperity, cannot consistently advance these extreme theories until they can demonstrate the feasibility of arbitration in their households; nor preach on the desirability of universal peace while their confidential agents abroad are purchasing implements of war for internecine strife.

To summarize: Arbitration is possible: when it does not involve principles of vital interest for a nation and when not *forced* upon either of the contending parties. No independent nation will blindly agree to subscribe to any plan of arbitration which does or may submit to the decision of others, in the course of events, perhaps the fundamental principles of her national life and those which cannot be adequately understood or defended by a third party.

## CHAPTER XII.

## ARBITRATION FOR PECUNIARY CLAIMS.

There is scarcely one of the American republics which does not feel that it has been subjected at some time or another to a peculiar injustice by the superior force of some more powerful country making a demand upon it for indemnity for damages sustained by some one of its citizens or subjects residing within their territory. In some cases the demand has been made simply by the commander of a gunboat upon his own official investigation of an alleged outrage, and without instructions from his Government, and has forced the weaker country to concede to his demands by clearing his decks for action and threatening a defenseless port, and there are cases on record where a port so threatened has actually been bombarded.

Three projects were presented to the consideration of the committee. One by the Mexican delegation, another by that of Guatemala, and a third by the Chileans.

The first proposed, like that of Guatemala, an American Court of Claims. The Olney-Pauncefote project of treaty of January 12, 1897, between the United States and Great Britain was taken as a basis, because it was considered that territorial questions, or those which affect the interior or exterior

politics of a country, should not be submitted to arbitration. The Guatemala suggestions were of an elaborate and well-thought-out plan, the main feature embodying the idea of a purely American Court.

The Chile proposition was radically different from the above, and advocated chiefly the agreement of the signatory nations to arbitrate in case of denial of justice or abnormal delay. As their suggestions approach the conclusions of the accepted report perhaps more than the others, and as they embody new and vital principles in this domain, it is deemed advisable to reproduce them textually, as follows:

“Article I. The contracting parties agree that their citizens have no right to claim indemnization for damages, losses or exactions sustained in the territory of another country or State, in case of insurrection or civil war, except when the constituted authorities or their agents have failed to comply with their duties, or have not used the necessary vigilance or precautions.

“Article II. In every case when a foreigner has claims or complaints of a civil, criminal, or administrative order against a State, he shall comply by filing his claim with the ordinary courts of such State. However, the Government of the State to which a claimant belongs, may solicit that such claims as may be designated by it, shall be brought before the Supreme Court of the country against which the claim is made.



“ Article III. The contracting parties shall not officially support any claim of those which must be brought before a court of the country against which the claim is made, excepting cases in which the court has shown a denial of justice, or abnormal delay, or evident violation of the principles of International Law. It shall be understood that a denial of justice exists only in case the respective court refuses the claim based on the nationality of the claimant.”

These several plans were presented during the early days of the Congress, and immediately referred to a committee appointed to deal with the subject. The committee did not present its report till near the close of the Congress, and it was taken up for discussion at the thirty-seventh session. It stated very briefly that the object was the solution by means of arbitration of the questions which might arise by reason of the claims of private parties for pecuniary damages and injuries caused by a Government, the reasons for which were obvious. They proposed the submission of such cases to the Tribunal of The Hague, in accordance with the tendencies of which the Conference had given such unanimous evidence.

The first article being put under discussion, Mr. Leger, of Haiti, said that he deplored that this article had been so radically modified from the original proposition which established the obligation to submit to arbitration all claims which exceeded ten



thousand dollars in gold. The new text suppressed this perfectly determined and precise minimum, and established in its place, that the signatory nations should only be compelled to resort to arbitration whenever claims might be of sufficient importance to warrant the expense, which wording, he thought, was entirely elastic and vague, and opened the door widely to any of the contracting parties to evade compliance with the obligations stipulated by the project of the treaty.

Mr. de la Barra explained the reasons upon which the modification was based. In the projects presented no minimum whatever was stipulated. The committee afterward believed it advisable to fix one, in order to prevent the expenses of arbitration exceeding the amount claimed. He mentioned a divergence of opinion in the committee regarding the amount, but they had finally prepared the article as it stood. He did not see that this left any door open as the Honorable Delegate from Haiti stated, for in case any discussion should arise with reference to the expenses of arbitration, the demanding party could guarantee them, depriving the party in this manner of every pretext, should he desire to evoke the words of the article for the purpose of freeing himself from the obligation referred to.

Mr. Elmore, Delegate for Peru, called attention to the last words of the article, which stipulated as a condition for submitting claims for pecuniary damages and injuries to arbitration, that the claim

ant must not have served or voluntarily aided the enemies of the Government against which he presents a claim. He thought this amounted to a restriction of arbitration, as it places a claimant, enemy of the Government against which the claim is presented, in a better position, which certainly could not be the intention of the committee. Although Mr. de la Barra, in reply, stated that the provision was based upon the necessity of furnishing Governments with arms for defense against disturbers of the peace, Mr. Henriquez, of the Dominican Republic, observed that the explanation did not destroy the objection, and that it was evident from the wording of the article that it inferred that the claimant, being an enemy of the country, shuts the door, not to the claim, but only to arbitration.

Mr. Bermejo, of the Argentine Republic, stated that the project under discussion amounted to real progress in the important matter of pecuniary claims, and constituted a guarantee and a defense in favor of weak nations against the unjust pretensions of a strong one, and consequently he desired that the project be drawn up with the greatest effectiveness. Carefully discussing the objections made, he said the stipulation that the claim should be of sufficient importance to warrant the expenses of arbitration struck him very forcibly, when neither in public law or in private law the justice of a claim had ever been subordinated to its amount, and it was always in relation with the resources of the claimant.

Mr. Buchanan, for the United States, in an able address, referring to the objections made, said that, if the article were drawn in the form suggested by the Honorable Delegate from the Argentine, the result might be, if there were no limitation or suggestion as to what should constitute a claim of sufficient amount to justify its being submitted to arbitration, it might result that a claim for one thousand dollars, for example, presented by a citizen of one country against another, would remain indefinitely unsettled, instead of being settled by the simple offer of the defendant country to arbitrate the claim; because it is the universal practice that claimants must pay the expenses incident to the collection of their claims. Hence settlement might thus be avoided, for the reason that the cost of arbitration would be three or four times the cost of the claim itself. The question of the sum of a claim is one frequently of very little importance, as there might be a claim of only one thousand dollars, wherein questions are involved which would make the subject of so much merit, and of so much importance, that the two Governments interested might agree that a decision by arbitration should be arrived at on the claim discussed, because of a question of principle involved therein. With regard to the latter part of the article, wherein reference is made to citizens who have taken part in revolutions or disturbances in another country, it is a universal practice that when such is the case, the persons so



doing lose the right to consideration of their own Governments in any pecuniary demand which may be lodged by them. He finally said that there might be questions of fact to be settled, however; but as far as he could see, this portion of the article was entirely wise and in conformity with the desire all have to repress such actions of the citizens of their respective countries.

At this point the session was adjourned until the afternoon, when Mr. de la Barra stated that, in conformity with some of the observations made, the committee had modified the article by suppressing the words "in conformity with the Convention of The Hague for the pacific settlement of international conflicts," as well as the final part of the article relating to the claimants having served or aided the enemies of the Government against whom the demand is made, the wording remaining as follows:

"Article I. The High Contracting Parties obligate themselves to submit to arbitration all the claims for loss and pecuniary damages which may be presented by their respective citizens, and which cannot be decided amicably through diplomatic channels, provided said claims be of sufficient importance to warrant the expense of arbitration."

Mr. Leger, replying to the words of the Honorable Delegate for the United States, still objected to the wording of the article, and concluded with the request that the final words "provided that said claim be of sufficient importance to warrant the expense of arbitration" be stricken out.



Mr. Bermejo, considering that this wording could not be accepted, and, as there appeared to be a deadlock in the matter, he proposed that the article under discussion be divided into two parts, and that each be voted upon separately.

This was done, and the first part of the article was unanimously adopted. The second part was then voted upon, and approved by the vote of ten delegations, four voting in the negative, namely, Argentine, Bolivia, the Dominican Republic and Haiti.

The second article of the project was approved without discussion by an unanimous vote. Article IV was then taken up, as, in the opinion of the committee, it should be third.

Mr. Bello Codecido took the floor, and said that he had agreed to the suppression of the words "in accordance with The Hague Convention for the peaceful settlement of international conflicts," in the first article, because in other articles of the project the idea was clearly demonstrated, which was fundamental to the Chilean delegation; that so far as pecuniary claims were concerned, his country would only be bound towards the powers which had adhered to the said convention. That there might be no doubt on the subject, he requested that a general declaration be made in Article III or that the name of Chile be added, following those of the United States and Mexico.

An animated discussion ensued, in which the

Honorable Delegates Messrs. Bermejo, Guachalla, Alvarez Calderón, Matte, Bello Codecido, Buchanan and de la Barra took part, each one taking the floor repeatedly. While Messrs. de la Barra, Bello Codecido, Matte and Buchanan defended the text of the committee, demonstrating the importance of the unanimous adherence of the American nations to The Hague Convention, and the advantages of submitting to the judgment of so respectable a tribunal, the other Delegates opposed it.

The committee suggested different drafts, some of which were opposed by the delegation of Argentine, Bolivia and Peru, and the others by Chile. Finally, Mr. de la Barra presented the following, which was approved by a unanimity of votes:

“Article III. The present treaty shall not be obligatory except upon those States which have subscribed to the Convention for the Pacific Settlement of International Disputes, signed at The Hague, July 22, 1899, and upon those which ratify the protocol unanimously adopted by the republics represented in the Second International Conference of American States for the adherence to the Convention signed at The Hague, July 29th, 1899.”

Article IV was then offered for discussion, and none taking place, it was unanimously approved.

Article V being taken up, the Honorable Delegate from Haiti proposed, in view of its lack of clearness, an amendment which was accepted by the committee, the article reading as follows:

“ This treaty shall be binding on the States ratifying it from the date on which five signatory Governments have ratified the same, and shall be enforced for five years. The ratification of this treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratification it may receive.”

The amended article being adopted by unanimous vote, the report was referred to the Committee on Engrossing.

## CHAPTER XIII.

THE INTERNATIONAL UNION OF AMERICAN  
REPUBLICS.

At the First Pan-American Congress, the Committee on Customs and Regulations presented a project, which was adopted, for the establishment of an International Union of American Republics, an association organized for the prompt collection and distribution of commercial information. Article II of the recommendations on this subject says:

“The International Union shall be represented by a bureau to be established in the City of Washington, D. C., under the supervision of the Secretary of State of the United States, and to be charged with the care of all transactions and publications and with all correspondence pertaining to the International Union.”

It was also stipulated that this bureau should be called “The Commercial Bureau of the American Republics,” and its organ shall be a publication to be entitled “Bulletin of the Commercial Bureau of the American Republics.”

The scope and field of this publication was carefully explained, and an estimate was made of the probable expenses of maintaining this bureau, which was not to exceed \$36,000 a year. Each republic



was to pay its share in proportion to population, a schedule of the first year's proportionate payment of each country being embodied in the report of the above committee. The Government of the United States was asked, in order that no delay should occur, to advance the expenses each year.

This institution was known variously as the Bureau or Union of American Republics, on account of the confusion in the public mind relating to the double title. Those who are familiar with the subject know that the bureau is, as stated above, the mouthpiece or medium of the Union; but how and where does the latter exist? It has been, indeed, a clumsy nomenclature, and no doubt the committee on the reorganization of this institution recognized this, for in their report they make no reference to "Union," but style it very properly "The International Bureau of the American Republics."

It is the only practical legacy of the First Congress, and for many years led a rickety existence, mainly supported by the United States, and considered as practically a branch of the State Department. It was brought to unusual public notice some years ago by the vigorous protests of the publishers of export papers because the *Bulletin* printed the advertisements of private concerns. A contract had been given to some very enterprising gentlemen, who solicited and secured many notices from keen advertisers. They realized the great value to them of this official publication, of which

thousands of copies were distributed every month free of charge throughout Latin-America. Such a storm was raised that it was decided to rescind this privilege. The contracts are not being renewed.

In 1897 a reorganization took place. An executive committee was established, other needed changes made, and the institution started practically anew. It has done very valuable work. The *Bulletin* contains very interesting and varied information, and the reliability of the publication inspires the exporter and general trader with confidence. A number of handbooks have been prepared, dealing with the different republics, many pamphlets and works of general information issued, and the General Directory of the Latin-American republics was a monumental task, as well as the volumes on Commercial Nomenclature.

Secretary Hay and the various representatives of our neighbors to the south have taken a deep and lasting interest in the bureau. Of late it has been ably managed by the present Director, Mr. W. W. Rockhill, worthily assisted by the late secretary, Dr. Guzmán, and Mr. W. C. Fox, chief clerk.

The reorganization effected at this Congress was chiefly to give it a wider scope, and to make it what it should have been, namely, the custodian of the archives of the various Congresses, as well as truly international in its organization and operation. There appeared to be a disposition to ignore the bureau during the early sessions, and no seat had

been provided in the Congress Hall for the Director or his representative. An active propaganda was undertaken by those having at heart the welfare of this very valuable and practical organization, and friends sprang up on all sides. As a consequence, the Acting Director, Mr. Fox, was given a seat on the floor of the Congress, and more ample recognition shown to this organization.

The report of the committee in charge of considering the subject says, in part:

“The Committee on the Reorganization of the Bureau of American Republics believe that the establishment of said bureau was one of the most important acts of the First Conference of the American Republics. They recognize that the bureau has been a useful factor in bringing the American republics into closer relations, and that credit is due to those who have been concerned in its management. Each of the republics has obtained, through its agency, knowledge of the resources and productions and of the commercial needs of the others, resulting in the extension of commerce and in benefit to the countries interested in the bureau. It is the belief of the committee that the usefulness of the bureau may be increased by broadening the basis of its organization, by enlarging its powers, and by imposing upon it additional duties.

“With this end in view, the project submitted to the Conference by the Honorable Delegate from Guatemala, as well as the suggestions of the Direc-



tor of the bureau, Mr. W. W. Rockhill, have been carefully considered."

At the thirty-fifth meeting, on January 24, 1902, the resolutions were read and debated. Some objections of minor importance were made, the suggestions of the committee being unanimously accepted, barring the withdrawal of Article XII of the original draft. The principal feature was the creation of a governing board to consist of the diplomatic representatives of all the Governments represented in the bureau and accredited to the United States. Heretofore the Executive Committee has consisted only of four members among the diplomatic representatives above mentioned, with the Secretary of State of the United States as chairman, who is also to be the presiding officer under this new agreement. To amplify the scope and importance of the bureau it is authorized to correspond through the diplomatic representatives at Washington with the Executive Departments of the several American republics. It was agreed that the bureau should continue for ten years longer. Article IX states that the bureau "shall be charged especially with the performance of all the duties imposed upon it by the resolutions of the present International Conference." This refers to the execution of various tasks entrusted to it in connection with the projected Customs Congress, that of International Sanitary Police, and the suggested meeting of coffee experts. It is provided for that



the bureau shall be the custodian of the archives of the International Conferences of American Republics. Article XIII provides for the establishment of a Latin-American Library, to be known as the "Biblioteca de Colón" (Columbus Memorial Library.)

This last stipulation was at the suggestion of Mr. Calvo, who stated that at the last Conference Mr. Martínez Silva, Delegate for Colombia, seconded by the representative of Venezuela, Mr. Bolet Peraza, had made a recommendation to that effect, which had been unanimously approved. No practical steps, however, had been taken to put this idea into effect, and he, therefore, proposed the following resolution:

"In order to commemorate the First and Second International American Conferences, of Washington and Mexico, a Latin-American Library shall be established under the authority of the Governing Board of the International Union of the American Republics, and as a part of the bureau of the same, which library shall be designated by the name of 'Columbus Library.'"

On this occasion, Mr. Volney W. Foster, chairman of the committee concerning the bureau, referred to the great value this library would have, and that it might be considered as a lasting memorial to that great statesman, James G. Blaine, and to the lamented Matías Romero, as well as to the living who are so deeply interested in the success

of the bureau. He referred to Messrs. Mendonça, Leger, Martínez Silva, Guachalla, Corea, Carbo, Lazo Arriaga and Mr. Calvo "in particular, who in the devoted and affectionate labor he had given to this work, distinguished himself among his associates."

Mr. Calvo thanked the speaker, and stated that the great aim in establishing this library, which was to be practically an amplification of the existing one in the Bureau of the American Republics, was to create a valuable collection of Latin-American books of commercial and statistical information, and that the United States had not been included in this measure as unnecessary, there being in Washington the magnificent libraries of the Congress and State Department.

The resolution was unanimously passed, and referred to the Engrossing Committee.\*

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\*The reorganization of the Bureau has recently taken place. The Governing Board consists of the Diplomatic Representatives of the Latin-American countries accredited to the United States. Mr. Rockhill continues in office as the Director; Mr. Nicolas Veloz Goiticoa was unanimously appointed Secretary; Dr. José Ignacio Rodríguez named as Chief Translator and Librarian of the Columbus Memorial Library, and Mr. Fox resumes his place as Chief Clerk and is also created Editor of the "Monthly Bulletin." (For details, see the number of March, 1902, of the last-named publication.)

## CHAPTER XIV.

### PAN-AMERICAN RAILWAY.

The Pan-American Railway Committee presented its report on the 29th of November at the twelfth session. The preamble relates chiefly to the work of the First Congress on this important measure, the recommendation of the then Secretary of State to President Harrison, also the latter's views on this project to the United States Congress, and the official letter of the Secretary of the Inter-Continental Railway Commission, in date of January 16, 1896, which summarizes data referring to the railroads that might be utilized for this international line, and the length requiring to be completed. A table was also attached, giving a summary of the report of the engineers of the Inter-Continental Railway Commission as to the number of miles of the proposed continental line already built between New York and Buenos Ayres, the location of the portions that will be needed to make a through line, and the estimated cost of same. The report further says, in part:

"From this it will be seen that it was estimated by the engineers of the commission, at the time their report was made in 1895, that \$175,000,000 will construct the railroad necessary to join existing lines and give through-rail communication. Since then



some additional railroad has been built, and could be utilized as a part of a continental system, and it is the opinion of this committee that now not more than 5000 miles of road would have to be constructed to establish railway communication between the systems of North America and South America. Basing the cost at \$40,000 per mile, which we believe would be ample, \$200,000,000 would be required for this great work. The surveys made by the engineers of the commission demonstrate the practicability of constructing the needed lines, and there should be no great difficulty in financing such a project, when the results to be obtained are considered. Such railway systems in the United States as the Pennsylvania, New York Central, Atchison, Northern Pacific, Union Pacific, Southern Pacific, Southern, and others, operate more miles of road than are needed to make the Continental Railway a reality, and each of these systems has bonds and stock outstanding aggregating more than the sum estimated as the cost for this enterprise. The Russian Government has just completed a long railroad for the purpose of developing Siberia, at a cost considerably exceeding the estimated cost of the Inter-Continental Railway, and more difficult to construct."

The recommendations of the committee were fully discussed at the fourteenth, fifteenth, twentieth and twenty-first sessions. At the first of these meetings the report as a whole was accepted, as well as the



first seven and the tenth article, changes being made during the debate on Articles VIII, IX and XI.

Article VIII contained the most debated feature of this measure, inasmuch as it referred to the proposed neutrality of the railway, which was omitted, provision being made instead for the exemption from custom dues or taxes of any other kind for the traffic in transit through the different republics.

Mr. Rosendo Pineda, of Mexico, moved that in reference to the tenth article that the other republics should also be included in the invitation to suggest the appointment of a commission of persons of responsibility and ability, etc., etc. (see Article X as approved), and Mr. Fernando E. Guachalla made a motion in reference to Article XI, to the effect that the Latin-American Diplomatic Corps at Washington should among themselves select the commission referred to. Both motions were withdrawn at the twenty-first meeting, and substitutes offered by the committee were accepted, also at the suggestion of Mr. Guachalla, as embodied in the accepted text, which follows. Articles X and XI were thus amplified and strengthened. The approved text reads as follows:

"First. That a railroad connecting all or a majority of the nations represented in this Conference will contribute greatly to the development of cordial relations between said nations and the growth of their material interests.

"Second. That the railroad, in so far as the com-

mon interests will permit, should connect the principal cities lying in the vicinity of its route.

"Third. That if the general direction of the line cannot be altered without great inconvenience, for the purpose mentioned in the preceding article, branch lines should be surveyed to connect those cities with the main line.

"Fourth. That for the purpose of reducing the cost of the enterprise, existing railways should be utilized as far as is practicable and compatible with the route and conditions of the Continental Railroad.

"Fifth. That all materials necessary for the construction and operation of the railroad should be exempt from import duties, subject to such regulations as may be necessary to prevent the abuse of this privilege.

"Sixth. That all personal and real property of the railroad, employed in its construction and operation, should be exempt from all taxation, either national, provincial (State), or municipal.

"Seventh. That the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or guarantees of a minimum of interest.

"Eighth. That the traffic in transit through the different republics shall not pay custom dues nor taxes of any other kind."

We also recommend:

"Ninth. That the Delegates to this Conference

and others favoring the railway urge their Governments, as strongly as they consistently can, to grant liberal concessions to the enterprise, of whatever kind seems best to each country.

“Tenth. That the United States of America be invited to initiate with the Ministers of the other republics at Washington, the adoption of such measures as may be deemed most fitting to result in sending within one year to said republics, competent and reliable persons whose duty it shall be to accurately determine the resources of the different countries and the condition of railway lines in operation, the existing condition of commerce, and the prospects for business for an inter-continental line, in case said line can be constructed, and also to ascertain what concessions or assistance each of the respective Governments is willing to grant to the enterprise.

“Eleventh. That the President of the Conference shall appoint a committee of five members, residing in the United States of America, said committee to commence its work after the adjournment of this Conference, and that said committee shall have the right to increase the number of its members or to replace, when necessary, any member; to appoint such sub-committees as may be deemed proper to report to the next Conference, on the result of its labors; to furnish all possible information as to the work of the Inter-Continental Railway, and to aid and stimulate the carrying into effect of said project



as much as possible; this, however, shall not prevent the members of the present committee from continuing their efforts to attain the desired end; and, finally, that the committee, in unison with the Secretary of State of the United States of America, and with the Ministers of the interested countries, resident in Washington, may cause to be convoked, within the period of one year, an assembly composed of representatives of all the republics of this Continent with proper credentials, for the purpose of arranging for the construction of the proposed Continental Railway."

The permanent committee, with headquarters in Washington, to care for the interests of this project is composed of the following well-known public men: Former Senator Henry G. Davis, chairman of the United States delegation to this Congress, and a Delegate to the first one (also chairman of the Finance Committee of the Inter-Continental Railway Commission); Andrew Carnegie, the philanthropist; Manuel de Azpiroz, the distinguished and popular Ambassador of Mexico to the United States; Manuel Alvarez Calderón, the able Minister of Peru to the United States, and Antonio Lazo Arriaga, the efficient Guatemalan Minister to this country.

To Mr. Davis is chiefly due the credit for the enthusiasm he aroused within the Congress, and for the steps taken toward a practical and business-like consideration of the subject. It has been too



long a vague and indefinite topic. Here lies the opportunity for some of our great captains of industry to distinguish themselves by the building of the most splendid railway in the world, as it will be the longest, perhaps the most picturesque, and certainly destined to be the most profitable, passing, as it does, through many countries rich in fertile lands, mines and precious woods.

## CHAPTER XV.

## FOR THE CREATION OF AN INTERNATIONAL BANK.

A report was presented by the Committee on International Banking and Monetary Exchanges, which, after being printed and distributed, was subsequently slightly modified and presented to the Conference. The preamble set forth that the committee had carefully studied the situation of the countries of North, Central and South America, as far as their commercial transactions and financial relations were concerned, and, in its judgment, coincided with the expression of the First Congress, held at Washington, regarding the advantages to be gained by the establishment of a great credit institution, which, by means of branches and agencies established in the principal commercial cities, would encourage the development of business, and improve the methods of international exchange. Referring to the facilities and guarantees offered by the internal commercial legislation of almost all the nations of Central and South America, for the establishment and maintenance of a credit institution of this nature, the daily increasing facilities of communication, and the increasing volume of trade which the nations carried on among themselves, rendering more imperative the need of a bank which should make its influence felt on the great commer-

cial centres of America, the committee hoped that their project would be favorably received by the Conference.

The project, in the form of a resolution, consisted of a proposition to establish in New York, or other commercial centre, a bank of the character stated, and that it be assisted in every way compatible with their internal legislation, by the republics of America.

The project put under discussion, Mr. Matte, of Chile, was the first to speak on the subject, expressing his opinion of the importance of the establishment of a bank in the foundation of which all nations of America should participate, and he believed to further this end, and such a bank should be subsidized by all the nations interested, in order to encourage its growth. He believed that if the proposed institution were not subsidized by the nations of America, the resolution, even if approved by the Conference, would remain a dead letter. He based the necessity of such subsidy upon the right which all Governments have to take protective measures in favor of those interests which they consider worthy of the same. He called attention to the degree of progress which industries had reached in Mexico and other Spanish-American countries, and thought that those industries needed nothing more urgently than the ability to have large funds at their ready disposal. He closed by offering on behalf of the Chilean delegation, that the proposed bank be subsidized to the amount of \$100,000 gold annually.

The Chair ruled that the proposition be referred back to the committee in accordance with the rules and regulations, and discussion be suspended until they should make a report on the same. A letter from Mr. E. Goodwin, Director of the Commercial Museum of the Pacific, of San Francisco, to Mr. John Barrett, on the expediency of establishing a branch of the bank in that city, was also referred to the committee, as also a letter from the United States Trust Company, of Philadelphia, stating that their bank had been established for the express purpose of doing business with the American republics.

The committee at a subsequent meeting reported that, after careful examination of the Chilean proposition to amend, it found that such assistance as was proposed to any banking institution was not compatible with the precepts of the internal legislation of the greater number of the republics, and if some of them might be able to grant it, they might do so under the text of the proposition already submitted by the committee; therefore, the committee could not give its support to the amendment.

Mr. Matte, in sustaining the proposition, then stated that, in his opinion, issue could not be taken with the provisions of the different laws existing in each republic, because they could be changed in consequence of the resolutions of the Conference. He did not think the amount of the subsidy could be onerous, as it was only \$800 gold per million inhabitants per annum, but it was sufficient to satisfy



the necessity for protection which all organizations need in the first period of their existence. He offered a modification of the text of the proposition to the effect that the bank be assisted by all the republics in a manner compatible with their internal legislation, whether by means of annual subsidies, or by the exemption of taxes, or by any other way in which it might be considered proper for the purpose.

Mr. Macedo, Delegate for Mexico, and chairman of the committee, stated some of the reasons for the committee being unable to accept the proposition, such as the difficulties which would be encountered if the United States Congress were asked for a concession, that the constitutional laws of almost all the American countries were opposed to the proposition, and that such subsidy would necessarily have to be in the form of a subscription of capital, or as a present to the shareholders. Mr. Matte did not think that there would be any difficulties encountered on the part of the United States Congress, because it was only a question of an institution of an entirely private character, which would be in no need of a charter; and, as for the internal legislation of the countries, especially that of Mexico, which Mr. Macedo had cited, he had failed to find in the fundamental laws of the country the prohibition to which Mr. Macedo referred. Regarding the third difficulty, he did not think the Government assisting the bank would demand from

it shares in payment of that assistance, as they do not demand them from steamships or railways to which they have given similar assistance.

Mr. Casasus, for Mexico, opposed the proposition, taking up point by point the replies of Mr. Matte. He said that Mr. Matte had made a most important declaration in expressing that it is not intended to establish a real institution of credit, but only a private banking house. Upon examining the arguments of Mr. Matte intended to demonstrate that the political Constitutions of the different nations are not an obstacle for an approving vote, he observed that the committee did not want to refer in this point to the subsidies, but rather to the exemption from taxes, exemptions which were repulsive to all the constitutional laws of America. Referring to the subsidizing of a bank, he said that it could give no other result than that of injuring the legitimate interests of all the banks which to-day exist in each one of our respective nations. In view of the two operations which a bank of the kind would be called upon to effect—that of granting credits, and that of international exchange—he did not believe a subsidy justifiable, giving at length his reasons for so believing. He said that there was no practical benefit to be obtained in the Latin-American capitals with the New York markets through such a bank, because every one of them is already intimately connected with that market, and have banks already established which amply sat-

isfy their requirements of exchange. The only advantage to be obtained by the bank would be that of the relations between each one of the small agencies or branches; but this advantage would be of such small importance it would never justify the pecuniary assistance, or the exemption of taxes, proposed by Mr. Matte.

Mr. Anadon, for Argentine, made some comments on the speech of Mr. Casasus, with whom he was in accord in a general way, there existing some differences only in regard to detail. He referred to the necessity of credits in the Latin-American countries to stimulate industry, commerce, and agriculture, and all sources of public wealth, and on this point disagreed with Mr. Casasus, for there was the great necessity of institutions to give this credit, or make advancements of money on time. He said that at present the commerce of South America could not buy in the United States on time, and that was the reason why it supplies itself from there with only such articles as it cannot procure on time in Europe. As an example of this lack of direct relations, he cited the purchase of Argentine wools by North American buyers in European markets. After some observations relative to the prodigious development of wealth in the United States, he concluded by insisting on the necessity of placing the powerful factor of credit at the disposal of the other nations of the Continent.

Mr. Carbo, of Ecuador, stated his opposition to



the proposition, in that he was not an advocate of creating such institutions and making them grow by means of official protection. He did not believe that banks which needed assistance for their establishment could inspire confidence and command credit. Neither did he believe that the subsidies proposed could be granted by the legislative power of the different countries which have to protect the national interests already existing. He was heartily in favor of such a banking institution, but without the granting of a subsidy.

Mr. Macedo, as a member of the committee, answered Mr. Matte, stating that he sustained Mr. Casassus in his argument that the constitutional laws of nearly all the nations prohibit monopolies, even under the mask of protection, and the pecuniary aid which was proposed would be equivalent to establishing a veritable monopoly in favor of the subsidized institution, to the injury of other establishments of the same kind which were not subsidized.

Mr. Walker Martínez, for Chile, then called attention to the fact that both Mr. Casassus and Mr. Macedo, in order to attack Mr. Matte's proposition, were making use of reasons diametrically opposed to each other; while the former refused the protection asked for on the ground that Mr. Matte desired it to be an official institution, the latter refused it, on the ground of its being an enterprise of a purely private character. He said that Mr. Macedo had admitted that there really exists no constitutional



prohibition for the subsidizing of such a bank as was proposed, while Mr. Casasus, on the other hand, assured them that such prohibition exists, at least in so far as it refers to exemption from taxes. He then read from the Mexican Law on Institutions of Credit, which establishes for these exemption from all class of Federal taxation, as well of the States and municipalities, besides, except in the case of a contract to the contrary, the fees of experts, notaries and other persons whose services are subjected to a tariff fixed by local legislation, when they are employed in the operations carried on by the institution of credit, shall be reduced to two-thirds of the rate fixed by the tariff. This showed that the laws of Mexico were so careful in protecting the banking industry that they did not limit themselves to exempt it from public taxes, but also put a burden on private labor in the shape of a real tax in favor of that industry. It being out of the question to make reference to the legislation of all the countries, he believed it sufficient to cite that of Mexico to prove that the arguments used against the proposition to subsidize a bank were really without importance. He considered the position taken by Mr. Anadon a strange one, as on the one hand he pretended to defend the report, and on the other was in entire accord with the opinions of Mr. Casasus, which radically attacks the report. He closed by stating that since he found with regret that in the Congress there did not exist an agreement of

ideas indispensable to carry out the establishment of a Pan-American bank, he withdrew the proposition of Mr. Matte, and announced that the Chilean delegation would be compelled to cast its vote against the report of the committee, because they did not want to contribute to the declaration of a platonic idea, which, from its initiation, has lost all prestige by the attacks to which it had been subjected in the discussion.

The Chair said that, in view of Mr. Walker Martínez's declaration, the proposed Chilean amendment was withdrawn, whereupon Mr. Casasus made some remarks explaining his previous statement, and denying that he had asserted that which Mr. Walker Martínez attributed to him; that he had stated that the Constitutions of all civilized countries were against the granting of exemption from taxes, not to an industry in general, but to a specific person carrying on such undertaking.

Further explanations were made by Mr. Matte, for Chile, and Mr. Casasus, for Mexico, between whom a mild bit of satire was exchanged. As the report of the committee appeared to be about to be accepted, Mr. Barrett, for the United States, offered as an amendment that the words "San Francisco" be added after the words "New York," thus providing for the establishment of the proposed bank at that port; at the same time, he thought it proper to mention the City of Buenos Ayres.

The committee, accepting the amendment, the

general proposition was approved by vote of the Conference, Chile alone abstaining from voting. The discussion in detail commenced; the proposed resolution was read, as amended, as follows:

“That there be established in New York, San Francisco, Buenos Ayres, or other important mercantile centre, a bank of the character referred to, and that it be assisted in every manner compatible with their internal legislations by the American republics.”

Mr. Calvo, for Costa Rica, proposed for reasons similar to those given by Mr. Barrett, and taking into account the mercantile relations of the Central American republics with the port of New Orleans, that the name of the latter city be added to the text of the proposition under discussion.

Mr. Carbo, for Ecuador, requested for similar reasons that there be included in the text the names of Guayaquil and Lima. Mr. Macedo called attention to the wording of the proposition which included any other important commercial centre, and that it was not possible to mention all the principal cities of America.

Mr. Calvo, speaking for the addition of the cities named, and Mr. Davis against, the amendment proposed by Mr. Calvo being put to vote, was approved, and that of Mr. Carbo was rejected. The proposition was then adopted by seventeen votes of the Conference, Chile, in accord with its previous announcement, abstaining from voting.

At the following meeting, Mr. Foster regretting that he had been absent at the previous meeting, requested that Chicago be added with the other cities named in the resolution. The request was conceded by the Conference, whereupon Mr. Walker Martínez called attention to the fact that the proceedings were entirely out of order, and, although it was not his intention to oppose Mr. Foster's request, he hoped that it would not establish a precedent for future action of the kind.



## CHAPTER XVI.

### EXTRADITION AND PROTECTION AGAINST ANARCHY.

The committee report on this subject referred to the fact that several treaties had already been entered into between a number of the American republics in order to enforce their laws in an effective manner against offenders seeking refuge outside of their own territory, and stated that a general treaty by all the republics, establishing common rules and principles, as had already been suggested at the Congress of Montevideo, would prove more advantageous.

The committee proposed the execution of a treaty, beginning by establishing the obligation of delivering the criminals whose extradition should be asked for. The project established its application against all accused or guilty of common offenses, but provided that none of the contracting parties be obliged to deliver their own citizens; it provided that the nation upon which the demand might be made should have the right to try and punish the offender for acts committed within its own territory, and in case the offender be claimed by two or more nations the preference should be given in favor of that wherein the most serious offense has been committed; and, furthermore, it established the general principle of all treaties in existence that the offender demanded

cannot be tried for some other offense than the one for which he had been extradited.

In regard to anarchy, the committee stated the difficulty of applying the principle of extradition, because the individual liberty of man in his ideas and beliefs must be considered, on the one hand, and on the other, the crimes committed by them, such as the assassination of President McKinley, which come under the class of common offenses. However, they thought that there was a cause for which anarchists became amenable to punishment, and that is the propagation of anarchy. It was, therefore, advised that the contracting powers establish in their legislation a punishment for the propagation of anarchy, and that the extradition of anarchists be granted, even though their punishment be less than two years, the average penalty in the project for which extradition could be granted being fixed above two years.

Upon the statement that extradition forms part of the peaceful means of international relations, the project demanded that all controversies which might arise regarding the interpretation or execution of the treaty be submitted to arbitration. It established the appointment of an arbitrator for each party, and of an umpire by the arbitrators appointed in order to determine at once the formation of the court of arbitration, and finally the term of five years was fixed for the convention to remain in force, although any of the signatory parties could extend the time by mere tacit consent.

The project was signed by Delegates Francisco A. Reyes, Joaquín Walker Martínez, Alfredo Chávero and Juan Cuestas. It came up for discussion at the twenty-fourth session, and began by Mr. Galavis, for Venezuela, requesting the committee who had made the report to answer the following questions: When the constitution of a country upon which a demand is made establishes a precept guaranteeing life, and when in the demanding country there exists the death penalty applicable to the offense for which extradition is demanded, shall the former be obliged, according to the proposed treaty, to deliver the accused without exacting any condition regarding the punishment that will be imposed upon him? If the country upon which the claim is made refuses to surrender its citizens, what responsibility does it incur? Is the offense to remain unpunished? What will happen when the citizen shall have been naturalized, after the commission of the crime, in the country of which extradition is asked? In the case of voluntary extradition, can the country which has asked extradition under this treaty try the party whose extradition it has obtained for a crime different from that which the request for extradition was made? When the crime or the punishment are barred by limitation, according to the laws of the country in which the criminal has taken refuge, what rights has the latter under the treaty? If, in the country where the accused has taken refuge, there should be any constitutional provisions, which abolish capital punishment,



what right has such country, when that which seeks extradition should punish the crime for which the accused is tried with the death penalty? Can the country which asks extradition grant re-extradition without previously complying with any requisite regarding the country upon which the claim was made?

This brought forth a reply in a quiet, dignified manner from Mr. Chavero, member of the committee, in which he referred to the difficulties encountered in perfecting an extradition treaty among nineteen republics, and expressed the regret with which the committee saw one of its members opposing the report; the committee had insisted upon calling the Honorable Delegate for Venezuela to participate in its deliberations, that he might enlighten them with his observations and advice, but he had persisted in remaining away. He concluded with the statement that the questions put by him were out of order, and that the committee would take pleasure in replying to them when the project was discussed in detail.

Mr. Galavis replied that he had not attended the meetings of the committee on account of illness, and he did not understand why the committee in drafting their project had not taken into consideration the constitutions and laws of the countries which it was expected the treaty would affect. In the Republic of Venezuela, for instance, the Constitution prohibits the death penalty, and if Colombia, which permits it, should ask from Venezuela the extradition of an accused party, the former would be in its absolute right



to exact from the demanding nation the guarantee that the culprit be not punished by death.

Mr. Walker Martínez stated that when he, in representation of Chile, entered into an extradition treaty with Brazil, whose Constitution also prohibits the death penalty, he encountered serious difficulties on the part of the Brazilian diplomat, who was finally convinced that the laws applicable in a case of extradition are those of the country where the offense was committed and not of those where the accused seeks asylum.

The report was then put to vote as a whole and approved by seventeen votes, the Venezuela delegation abstaining from voting. It was then taken up in detail, and Mr. Elmore offering a slight changing of the wording of the first article, it was accepted by the committee. Another slight change was offered by Mr. Leger, which was also accepted.

Mr. Buchanan stated that as the position of the United States Government in matters of extradition is to designate in its treaties the crimes for which extradition is to be granted, his delegation found itself under the necessity of abstaining from voting on the second paragraph of the article under discussion, as this merely stated for offenses punishable with a greater penalty than an imprisonment of two years. Remarks were made by Mr. Chavero tending to reconcile Mr. Buchanan's objection with the project, but the article, being put to vote, was adopted, the United States and Venezuela abstaining from voting.

Article II put under discussion; Mr. Leger requested the committee to explain what it understood by acts of anarchism. Mr. Chavero replied that it was very difficult to give the definition, and that he knew of no legislation that had done so; in his opinion, the very article under discussion established perfectly what ought to be understood by acts of anarchism, which are those that are directed against the basis of the social organization.

The Delegate for Haiti did not believe the explanation satisfactory, and he insisted that it be defined with greater accuracy and precision; whereupon Mr. Walker Martínez said it was not the object to define those acts in order to punish them, but simply to prevent those who commit crimes, alleging in their defense political reasons, in order to escape the penalty of the penal laws.

Mr. Leger then proposed as an amendment to the wording of the article that, "Acts of anarchism directed against the lives of chiefs of state, or from which the death of one or more persons shall result, shall not be considered as political offenses." This amendment was put to vote, and rejected by eighteen votes, Haiti being the only sustaining vote.

Mr. Carbo having proposed an amendment, Mr. Guachalla stated that, as all were agreed in the essential part of the point under discussion, he requested that the session be adjourned in order that the committee might prepare in a more adequate manner the article, by taking into account the remarks which had been made.

Mr. Volney W. Foster took the occasion to make a speech, in which he referred to the tragic death of President McKinley, and hoped the Conference, with calm, careful and sober judgment, would select the language to definitely describe the purpose of the act, and not, by the adoption of penalties for undefined crime, place in the hands of authority the right to suppress free speech consistent with the philosophy of organized government.

The discussion of the project was continued at the next session by Mr. Macedo, referring to the diversity of ideas which had been submitted, all for the purpose of defining with accuracy what should be understood by "acts of anarchism." In view of the great difficulties which were experienced in coming to an understanding on this point, Mr. Carbo had gone to the length of asking for the suppression of a part of the article under discussion. The speaker stated that he believed it dangerous to restrict the sense which should be understood by political crimes, because in all disturbances of public peace, political crimes are always ultimately connected with crimes of the common order. In reality, those who rise against a constituted authority commit assaults, murders, robberies, and other offenses, and, owing to the very difficulty of establishing with precision whether the political character dominates, or the criminal, he thought it preferable to leave the distinction to the legislation of each country. He, therefore, proposed that the wording



of the last part of the article be, that "acts which are classed as anarchical shall not be considered as political crimes."

The amendment was accepted by Mr. Carbo and by Mr. Walker Martínez in the name of the committee, who added that the committee did not consider it necessary to specially provide that an attempt against the chief of a nation, or other functionaries, be considered as political offenses, because such attempts could only be classified in two ways—either as a common offense, or an act of anarchism. He, therefore, wished a record made of this explanation.

The article was then read as modified, "Extradition shall not be granted for political offenses, or for deeds connected therewith. There shall not be considered as political offenses acts which may be classified as pertaining to anarchism by the legislation of both the demanding and the country from which the demand is made," and it was thus approved unanimously by eighteen votes.

Mr. Galavis, for Venezuela, offered a substitution for Article III, which provided that an accused whose extradition is demanded, and who deserves capital punishment in the demanding country, or who has already been sentenced therefor, that the Government upon which the demand is made, may impose as a condition granting the extradition the inviolability of life. He stated that the acceptance of this article would determine his acceptance of the first article of the project.



This brought forth considerable discussion, both pro and con, regarding capital punishment, and finally Mr. Walker Martínez, after suggesting the propriety of not entering into philosophical discussions of the death penalty, expressed his surprise at representatives of the countries who imposed it, coming to the Conference to discredit and criticise it. Entering into the real object of the debate, he stated that the rule in the matter of extradition ought to be the most absolute respect for the country upon which demand is made, inasmuch as the object of treaties of this class is to mutually confer upon each other the benefits of their respective laws by means of reciprocity. There was no reason whatever for admitting the exception proposed by the Honorable Delegate from Venezuela. It was one of two things—either an equal right to all, or the same right to all, and in case the penalty to be applied to the accused is that of the country upon which the demand is made, and not of the country making the demand, it is anti-juridic and absurd. If the doctrines of the opponents to the report were to be accepted, it would be impossible to conclude treaties of extradition. He concluded by stating that if Venezuela could not sign the project on account of not having abolished the death penalty, then the other nations could not sign it either; therefore, he believed that, having to choose between two extremes, it not being possible to procure the signatures of all the American countries, it would be

preferable to secure at least the signatures of the majority.

Mr. Lopez Portillo, for Mexico, stated that, in his opinion, the committee was right in sustaining the territorial character of the penal law as a fundamental principle, but, being in great sympathy with any movement in favor of human life, he submitted for the consideration of the Conference Article VIII of the Treaty of Extradition between Italy, which had abolished the death penalty, and Mexico, which preserves it, the text of which was to the effect that when the individual whose penalty is death, or is sentenced on account of it, the Government on whom the demand is made may ask, upon granting the extradition, that the penalty may be substituted for the next inferior one by means of commutation, which may be granted by the laws of the country which makes the demand.

Mr. Alzamora answered the remarks of Mr. Walker Martínez, concluding by stating that he could not accept the proposition of the Honorable Delegate for Mexico, because it did not fulfill the object sought, since the pardon to which it refers is voluntary, and not compulsory, on the part of the nation that makes the demand. For the same reason, the Honorable Delegate for Venezuela stated that he could not accept it.

The Honorable Delegate for Haiti made some remarks upon the legal aspects of the question, after which Mr. Lopez Portillo stated that, in his opin-

ion, there did not exist any principle in the Constitution of Venezuela which might be considered violated by the treaty of extradition, because, as far as he understood, the Constitution, or its provisions, only referred to the abolition of the death penalty, and the provisions framed in the treaty had no connection at all with the subject under discussion, as Venezuela was not obliged to apply the death penalty in its own territory.

Mr. Guachalla sustained the proposition of the Honorable Delegate for Venezuela, and, there being no further discussion on the subject, the article proposed by the Delegate was again read, and put to vote. It was carried by eleven votes against six, Colombia, Chile, Santo Domingo, Salvador, Guatemala and Mexico voting in the negative.

An amendment proposed by the Honorable Delegate for Mexico, Mr. Lopez Portillo, to the third article, which would become the fourth, was put under discussion. The amendment was to the effect that the delivery of its citizens shall be at the discretion of the nation on which the demand is made. Remarks followed by the Honorable Delegates Messrs. Lopez Portillo, Chavero and Guachalla. Mr. Walker Martínez then stated that he believed it his duty to say that he would have to abstain from voting in the future on the articles of the project, as his country could not sign the treaty as long as the article previously sanctioned by the Conference was allowed to stand.



The Honorable Delegate from Salvador agreed with Chile, stating that he would also abstain from voting on the project. Mr. Chavero, a member of the committee stated that, as two members of the committee had decided to take no further part in the debate, and one of the others was against it, he believed that the committee no longer existed, and, therefore, requested the Chair to decide whatever it deemed advisable. Thereupon Mr. Volney W. Foster requested the privilege of changing the vote of his delegation to the negative, and Mr. Cuestas explaining that he had entered the hall just as the vote was being taken, requested also to be allowed to vote in the negative.

Upon a new count of votes being made, it was declared that the article was adopted by ten votes against eight. The Chair then announced its decision in conformity with Mr. Chavero's request, and suspended the discussion, allowing the committee to withdraw its report, to agree on some other course.

Upon the minutes of this meeting being read at the following session, the Honorable Delegate for Haiti rectified his vote, stating that he wished to cast it in the negative, as he had misunderstood the significance of the article proposed by the Honorable Delegate from Venezuela. As by this rectification the article did not receive the majority of ten votes as required by the regulations, it was decided by vote of the Conference to reconsider the article.



After being discussed and submitted to vote, the result was nine in the affirmative and nine in the negative, whereupon the Chair decided that the discussion would be continued at the next session.

At the next session, Mr. Walker Martínez said that further efforts on the part of the committee to prepare a treaty acceptable to the views of all the republics not being possible, the committee had prepared the following provisionary article:

"The representatives of Costa Rica, Ecuador, Honduras, Nicaragua and Venezuela sign this treaty with the reservation that the respective governments will not surrender delinquents who are subject to the death penalty according to the legislation of the countries who may ask for their extradition, except under the promise, that such penalty shall be commuted to the next inferior one. If the governments keep such reservation, when ratifying the present treaty, the same will be enforced only as between those countries that accept said condition referred to."

In view of this article being accepted, it was proposed by the Venezuelan delegation to withdraw their Article III, which had been voted upon, whereupon Mr. Guachalla objected, as the article having been accepted by the Conference, could not be withdrawn without the consent of the Conference. Mr. Guachalla being sustained in his objection, the Conference was consulted, and Mr. Galavis allowed to withdraw Article III by a vote of eleven against

six. The additional article being submitted to vote, was approved by fifteen delegations, Argentine, Bolivia, and Paraguay abstaining from voting.

The rest of the morning session, and nearly all of the afternoon session, was taken up in discussing the other articles of the project, and the conflicting laws existing in the different republics. Various amendments were offered and rejected, but some modification of the language made, and finally the project was accepted and referred to the Engrossing Committee.

The treaty as it stands provides that extradition shall be granted for crimes punishable with not less than two years' imprisonment, and when it is not possible to determine the punishment corresponding to a crime for which extradition has been demanded, the crimes of murder, rape, bigamy, arson, piracy, destruction or loss of vessel, mutiny or conspiracy on board of a vessel, burglary, the act of breaking into public offices, banks, etc., robbery, forgery, crimes pertaining to counterfeiting, embezzlement, kidnapping, mayhem, wilful destruction of railways, etc., and obtaining by threats, and larceny. It specifies that extradition shall not be granted for political offenses, or for deeds connected therewith; but acts which may be determined by the laws of both the demanding country, and the country from which the demand is made, as pertaining to anarchism, shall not be considered political offenses.

Article XIII of the treaty provides that the extradition of any individual guilty of acts of anarchism can be demanded whenever the legislation of the demanding State, and that of the State upon which the demand is made, have established penalties for such acts, even though the penalty imposed be less than two years. Article XIV provides for the submission of all controversies arising out of the interpretation or carrying into effect of the treaty to arbitration, and Article XV to the time which the treaty shall remain in force, being for five years from the day on which the last exchange of ratification shall have been made, and shall remain in force for a term of another five years, if it shall not have been denounced twelve months prior to the expiration of that period.

The provisory article offered by the committee and accepted by vote of the Conference is appended as a transitory article, and the whole is signed by the delegations of seventeen countries, the signatures of Brazil and Venezuela not appearing.

## CHAPTER XVII.

## PRACTICE OF THE LEARNED PROFESSIONS.

One of the first subjects taken up by the Conference was the "Practice of the Learned Professions." The Chilean delegation presented a project in which they stated as briefly as possible the reasons for the project, as follows:

"To place the scientific men of all these nations in contact with each other; to facilitate in each country the professional practice of knowledge acquired in different schools; and to open throughout the entire extent of the territories which comprise the contracting nations a field of action for the intellectual activity of those who, enlightened by special studies, desire to work for honorable gain outside of their native land."

They declared that, though these advantages constituted an inspiration cherished for a long time by all the countries of America, still it did not appear advisable to grant such absolute liberty as might prove adverse to the end desired. The proper protection of the populations over which the constituted authorities have the duty to watch, requires a restriction of this liberty in such measure as is demanded by the high consideration of caution, and police vigilance, the importance of which cannot be disregarded in either domestic or international leg-



isolation. With due consideration of these necessary restrictions, they had drafted their project which began with the broad proposition of allowing any of the citizens of the republics agreeing to the project to freely exercise the profession for which they may be duly authorized by title, or diploma, granted by competent national authority, in any of the territory of the other nations.

As restriction, they proposed the right on the part of each of the contracting nations to require the citizens of the other country desiring to practice any of the professions relating to surgery, or medicine, including pharmacy, to submit to such examination as the Government might determine; and that each of the contracting Governments give official notice to the others, of which of their universities and educational institutions were to be considered valid and their titles and diplomas acceptable.

The project being referred to the Committee on Learned Professions and Literary Relations, the committee reported that, in their judgment, it embraced all the provisions necessary, and recommended its approval by the Conference. It was taken up for discussion at the fifteenth session, held on the 6th day of December.

Mr. Pepper, taking the floor, requested the change of the words, "by competent national authority" in the first article, to such as to include the diplomas and titles issued by the States and other authorities of the nations which are organized under a federal

form, and which are authorized by their laws to issue such diplomas and titles.

Mr. Blest Gana, for Chile, spoke, saying that he did not think the change necessary, as it was sufficiently covered by Article III, which would establish the universities and educational institutions to be recognized by the official exchange of notifications by the contracting parties.

Mr. Guachalla for Bolivia stated that he did not agree with the proposition either generally or separately; that the Republic of Bolivia had long since entered into treaties with several of the South American countries, and that in all those treaties the most complete liberty had predominated. As these treaties only required the proper certification of the professional title and the identification of the person in whose favor it was issued, if Bolivia were to accept the proposition, she would be placing herself in contradiction with said treaties, consequently he found himself under the necessity of voting against it.

Mr. Blest Gana again took the floor, and gave his opinion that the argument of the Honorable Delegate for Bolivia contradicted itself, for, if Bolivia granted the greatest liberty in regard to this matter in the treaties that it had entered into with the other countries, this fact, far from being a reason for rejecting the proposition, ought to lead him gladly to give a favorable vote, considering that the fundamental idea of the proposition is exactly the free practice of the professions.

Mr. Guachalla persisted that he could not favor a project which established restrictions incompatible with those agreements which his country had already entered into.

Mr. Gil Fortoul, for Venezuela, requested that in order that the discussion might rest upon a sound foundation, that the delegation for the United States inform the Conference whether diplomas issued by any one of the States in that country are accepted by all the States forming the Union; for, if they were not, the countries represented at the Conference could not be expected to recognize the validity of the titles or diplomas referred to.

Mr. Pepper gave an explanation of the system established in the United States, and admitted that, while in some of the States the validity of titles or diplomas issued by other States is accepted, other States did not observe the same rule.

Mr. Lazo Arriaga, for Guatemala, desired to know if in case the United States Government should sign the proposed treaty, would it be obligatory upon all the States of the Union.

Mr. Sanchez Marmol, for Mexico, called attention to the irregularity of the discussion, which, in his opinion, should confine itself to the project as a whole before taking up separately the articles. He stated that he did not think well founded the objection of the Honorable Delegate from Bolivia, neither could he understand the reasons he had given for not accepting the leading idea of the proposition;



that, if it is true that in Article II some restrictions are provided for, these were of merely a permissive character, and, therefore, Bolivia would have a right to reject them if she so desired, thus respecting her present treaties. Regarding the observations made by Mr. Pepper, he called attention to the fact that the Constitution of Mexico was also federal, but its 115th article provides that the diplomas issued by the States are valid in the whole territory of the Union. If there was not a similar disposition, or provision, in the United States, then the diplomas issued by the States could not be admitted in the other countries of America, for the very reason given by the Honorable Delegate from Venezuela.

Mr. Walker Martínez, for Chile, stated that the Honorable Delegate for Bolivia pretends to establish an unacceptable opposition to the project, and to make his antagonism disappear, he strengthened the argument of the Honorable Delegate for Mexico. As to the objection concerning the United States, he called attention to the third article, according to which that Government could make known to the other powers which of its universities or educational institutions were considered authorized to issue titles or professional diplomas.

Mr. Bermejo, for Argentine, stated that, notwithstanding that his ideas were in accord with those of the Honorable Delegate for Bolivia, Argentine having very nearly the same treaties, he had no objection in giving his favorable vote to the report in gen-



eral, whereupon Mr. Alvarez Calderón, for Peru, asked the United States delegation whether, if accepting the project, would the United States sign it, and when signed, would the American Senate ratify it, and, if so, would their ratification be compulsory on all the States of the Union.

Mr. Buchanan answered by stating that if the Senate of the United States approved the treaty, it would be obligatory law for all the States of the Union. He further made some explanation about the methods established in his country, stating that in the United States there are some 500 universities or colleges recognized by the Bureau of Education.

The report, as a whole, being submitted to vote, it was approved by all the delegations present, except that of Bolivia, which voted in the negative. Peru, in casting its affirmative vote, stated that it did so with the understanding that it did not imply the denouncement or abrogation of treaties on the same subject-matter which its country might have previously entered into with other nations. Subsequently, the Hon. Delegate for Uruguay, Dr. Cuestas, who was not present during the discussion, on account of slight illness, stated that he desired to cast his vote in the negative with that of the Honorable Delegate for Bolivia, adding to the reasons given by that Delegate that, having previously presented the treaties of Montevideo for the consideration of the Conference, among which is one relating to the practice of the Learned Professions, which

had not been taken into account by the reporting committee, not even by referring to it as a precedent; but, on the contrary, treated with a more or less contemptuous silence.

Mr. Blest Gana, as chairman of the committee, stated that he did not recollect at the moment with certainty the reasons that had induced the committee not to accept the bases of the Treaty of Montevideo, but that in no manner had there been any disdain with regard to that treaty; an infutation which was unfounded, and which he repelled energetically, and concluded by saying that, in proof of the appreciation which those treaties deserved, the report on Literary Copyrights, which was already prepared, commenced by declaring that the respective Treaty of Montevideo had been taken as a basis.

The first article of the project being taken up for debate, Mr. Volney W. Foster, explaining that in the United States there was no national authority empowered in matters relating to certificates or diplomas, offered in the name of the United States delegation a proposition, in which the delegation proposed to earnestly recommend to the respective States of the Union, that they each accredit and respect the diplomas of the Learned Professions of the national colleges of Latin-America, and urging the Latin-American republics to empower the competent authorities to consider and decide upon credentials which might be offered by American citizens.

Mr. Gil Fortoul, in view of what had been said, presented an entirely new draft of Article I of the project, and the Honorable Delegate for Haiti presented an addition to the one under discussion. The Chair ordered that the propositions be referred to the committee, and in order that they might have time to give them proper consideration, the discussion was suspended.

In the meantime, resolutions had been offered by Mr. J. B. Calvo, Delegate for Costa Rica, supported by the delegations for Honduras, Salvador and Nicaragua, on the Exchange of Official Publications. Mr. Calvo's proposition consisted of a project binding the signatory powers to exchange with each other reciprocally copies of each of their official publications, be they scientific, literary, or industrial, and that to facilitate the exchange of same, the official correspondence between the countries be declared free of postal charges. Two other projects on Literary and Artistic Copyrights were presented almost simultaneously by the delegations of Chile and Haiti, which were also referred to the committee.

Upon Mr. Calvo's project coming up for discussion, the Honorable Delegate for the Argentine, Mr. Bermejo, presented a proposition on the same subject, which consisted of a simple resolution recommending the nations to adhere to the convention entered into at Brussels on the 15th of March, 1886, which was for the exchange of official literature, documents, etc. By order of the Chair, the matter



was referred to the committee, which subsequently reported, stating that it had at first considered its duty not to depart from the fundamental idea contained in Mr. Calvo's project, which was simply to recommend to the American nations; but, in view of the remarks which the report had led to, and taking into consideration the proposition submitted by Mr. Bermejo, they concluded that it would better carry out the ideas submitted, not to make the simple recommendation to be voted upon by the Conference and communicated to the Governments, but to prepare a real project of a convention.

To this end, the committee stated that they had not only taken the proposition of the Honorable Delegate for Costa Rica, but also the resolutions of the convention agreed upon at Brussels, and some of the numerous resolutions adopted on the matter in past times between different American countries, and some of the European nations with those of America. Considering, therefore, these ideas, they believed that by means of a convention, the object of which is to establish between the signatory countries a regular and permanent exchange of official publications, the realization of a Pan-American work would be attained, and at the same time would encourage among the countries the realization of friendship and solidarity aimed at between the countries of the New Continent. The project was confined to the exchange of the production of the American intellect, whether proceeding from official or



private energy, provided its creation be due to the protection of the Governments.

By the convention, the Governments would bind themselves to furnish one another, reciprocally, two copies of all official publications of parliamentary, administrative, and statistical documents; works of all kinds published or subsidized by the respective Governments, and all geographical maps, topographic plans, and other works of the kind. The contracting governments, in so far as the stipulations of the Postal Union would allow, would decree free of postage among the respective countries all official correspondence and publications under the agreement of exchange referred to in the convention.

The report was approved as a whole without discussion by the twelve delegations present. Article I being put under discussion, Mr. Pepper proposed that, instead of the signatory Governments sending two copies of the publications, the number be increased to five. The amendment was accepted by Mr. Sánchez Mármol, in the name of the committee. A slight modification of the text was offered by Mr. Leger which was accepted, but a proposition by him to change the wording of the last part of the article regarding topographical plans, inasmuch as, he thought, these might include those of national defense, was not accepted; Mr. Sánchez Mármol explaining that if the plans concerned the national defenses they would not be published. This brought

forth some discussion, and the proposed amendment being put before the Conference was rejected.

Article I was put to vote, with Mr. Pepper's amendment and Mr. Leger's first modification of text, and approved. Article II was approved without discussion, and Article III, slightly modified in text, was also approved. The other articles were approved without discussion, and the papers, by order of the Chair, were referred to the Engrossing Committee.

The final report of the committee concerning the practice of the Learned Professions was taken up for discussion at the twenty-ninth session, the report explaining in detail what the committee had done to reconcile the divergent opinions and conflicting laws of the different countries interested. Mr. Guachalla for Bolivia stated that, as his colleagues in the committee had accepted some modification which he had proposed to Article I of the project, he would now vote in its favor. Mr. Foster's project proposing to recommend the respective States of his country to respect the diplomas of the national colleges of Latin-America was rejected as impracticable, as also that of Mr. Gil Fortoul, as being incomplete; but Mr. Leger's proposed addition to the article was accepted. The article being put to vote was then adopted. Each succeeding article was then taken up, and after some slight discussion and explanation was adopted.

At the thirty-fourth session the committee re-

port on the projects submitted by Chile and Haiti for an International Copyright was taken up. Mr. Blest Gana, chairman of the committee, said that, having found itself confronted with the two projects, Mr. Leger had been called into consultation, and with his aid the two had been consolidated. The result consisted of seventeen articles for an International Copyright Law, and was at once adopted as a whole by the Conference without discussion. The project was then voted upon article by article. Article VIII was slightly modified from the original text, Article XV was withdrawn, and the text of Article XVI, being considered ambiguous, was changed. The articles then being all approved, the project was ordered sent to the Committee on Engraving.

This project convenes the signatory States into a union for the purpose of recognizing and protecting the rights of literary and artistic property. It defines the meaning of the terms "Literary and Artistic" work, and the author's right of property, and the right of authors in one of the countries to publish his works in the others. The final article provides that the convention shall commence to take effect between the States which may ratify it, three months after they have communicated the ratification to the Mexican Government, and shall remain in force between them until one year after the date of its abrogation by either of them, and such abrogation shall affect only the country making it.

At the next session, upon the request of Mr. Anadon, for the Argentine, Article XVII of the project, which had been withdrawn by the committee, was added. This article provides that the Governments of the signatory States shall declare whether they accept the adherence to the same by the nations which have had no representation at the Conference.



## CHAPTER XVIII.

### ON THE RIGHTS OF ALIENS.

At the thirty-fifth session the Committee on International Law also reported on a Declaration on the Rights of Aliens. This began with a general statement that, until within very recent times, foreigners in all countries found themselves in a condition of manifest inferiority in relation to the citizens thereof. In their exercise of civil rights, they were subjected to restrictions which constituted real disadvantages to their persons and property, and, moreover, they were regarded with suspicion and were treated with disfavor. It is from this which arises the principle that each State must watch over and protect its citizens residing in foreign countries.

This state of things had radically changed with the advent of democracy and the progress of civilization, till foreigners were now received not only without suspicion, but as an element of progress, and the American republics regarded honest immigration as one of the surest sources of their well-being and prosperity. However, in spite of the trend in this direction, some countries with frequency still support claims of their citizens against the American republics, as though the former state of things still remained. These claims, especially those of powerful countries, tend to create for their

citizens a privileged condition, because they exercise rights which, by the law of the country against which the claims are made, do not belong to their own citizens, and they thus avail themselves of a special and unjust privilege, offensive to both the Government and the people who have extended them their hospitality. Besides the support through diplomatic channels of the rights which a foreigner desires to secure, whether it is well founded or not, is a complete disregard of the democratic principle which serves as a basis for modern international law.

Giving their reasons for this rather broad statement, the committee laid down three fundamental principles which should govern the political and juridical status of foreigners: First, the equality of civil rights of natives and foreigners; second, as a consequence of the former, a State must not present claims of its citizens, much less intervene in them, demanding indemnity for injuries suffered in another State, when the citizens of the latter have no such right; and, third, being also a consequence of the first, that the rights which the foreigners may allege shall be exercised before the same authorities as the citizens, excepting in a case of a denial of justice.

The committee mentioned two projects on this same matter submitted to the Conference, one signed by the Delegates of the five Central American republics with those of Colombia, Venezuela and Ecuador, requesting that the same principles

proclaimed by the Conference at Washington be again recognized, and one from the delegation of Chile, on the first principle, requesting that the other two principles be sanctioned by treaties.

After a careful examination of these two projects, with that of the naturalization of foreigners, the committee proposed that the following principles be recognized as forming part of the international law.

First. Foreigners shall enjoy all civil rights granted to citizens, and they may make use thereof in substance, form or procedure, and to the recourses to which they may give rise, under the same terms as the citizens.

Second. The States shall not have, nor acknowledge, in favor of foreigners any other obligations or responsibilities further than those established by the Constitution and the laws in favor of natives.

Therefore, the States shall not be responsible for damages sustained by foreigners through the acts of rebels or individuals, and in general for damages originating from fortuitous cases of any kind, considering as such the acts of war, whether civil or national, except in case of negligence on the part of the constituted authorities in the fulfilment of their obligations.

Third. Whenever a foreigner may have claims or complaints of a civil, criminal, or administrative nature against a State or its citizens, he shall apply to a competent court, filing at the same time his demands, and such claims or complaints shall not be



made through diplomatic channels, except in cases where there may have been, on the part of the court, manifest denial of justice, or unusual delay, or evident violation of the principles of international law.

Fourth. The American States shall recognize the principle of native citizenship, and, therefore, they shall consider as citizens the individuals born in their respective territory.

Fifth. Naturalized foreigners, who abandon the territory of the State, to establish themselves in the country of their origin with no intention of returning, shall lose the right which they acquired by naturalization.

This project was signed by the Honorable Delegates Messrs. F. L. de la Barra, Juan Cuestas, Antonio Bermejo, Baltasar Estupinian and Fernando E. Guachalla. Mr. de la Barra signed with a reservation, and the last three gentlemen made exception to the fourth article of the project.

The project coming up for discussion, Mr. de la Barra, chairman of the committee, stated that the Mexican delegation could not concur in some of the declarations with which the report ends, as they were neither in accord with Mexican legislation, nor in reason with political expediency. To begin with, the report was rather heterogeneous, as it contained principles on the rights of foreigners, as well as rules for the acquirement of citizenship; he did not believe that the declaration proposed by the committee should be accepted, as they greatly exceeded those



that are indicated by a wise policy. The first principle proposed, though it was liberal as to equality between citizens and foreigners, there existed certain restrictions in Mexican legislation with regard to the principle referred to, such as those relating to the acquisition of land by foreigners on the boundary lines, to the enjoyment of copyrights, to the requirements of "*judicatum solvi*," and others; therefore, if Mexico were to favor the first of these declarations, it would establish a principle false and contradictory to some of her laws. In regard to the second declaration, he did not think it correct to say that foreigners have not more rights than those granted to citizens, because, though, like the latter, they can and ought to apply to the tribunals of the country in which they reside, they have the right to apply through diplomatic channels as specially established in the third declaration. The fourth declaration, based upon "*jus soli*," was completely at variance with the greater part of legislations of the countries represented, in which, as in the rest of the world, there is a marked tendency in favor of the opposite principle of "*jus sanguinis*." After demonstrating that the fifth declaration was not less opposed to the laws of Mexico, that fixing a period after which citizens' rights are lost, he concluded by presenting some declarations in which the opinions of the Mexican delegation on the subject were formulated, not to provoke discussion, but simply to have them recorded in the minutes of the session.

Mr. Bermejo, a Delegate for the Argentine and member of the committee, who appeared to have been the principal member in formulating the project, gave some explanation on how the two distinct projects were presented, one by various delegations reiterating the two fundamental principles adopted by the Congress at Washington, and the other by the delegation of Chile, and the great pains he had been to in trying to conciliate opposing opinions. He had believed that the non-concurrence of Mexico referred only to the fourth declaration; but, seeing that it was in entire discord with almost the whole of the report, he believed it useless for the Conference to lose the precious time at its disposal in discussions by which no advantageous result could be obtained.

Mr. Buchanan said he thought every Delegate present knew the position of the United States Government on the matters treated of in the project, and that, inasmuch as it would be impossible for his delegation to assent to a very large portion of the report, it would abstain from taking part in the debate, or from voting on the whole or in part.

Mr. Pineda, a Delegate for Mexico, took exception to some of his colleague's remarks, stating that the Constitution of Mexico not only admitted the "*jus sanguinis*," but also the "*jus soli*," which are complementary, one with the other. Mr. de la Barra then stating that the interpretation of the Mexican Constitution by his colleague must be right, he had

just conferred with the other members of the committee, and had come to an agreement on some modification of the report, by virtue of which the Mexican delegation would be able to vote in favor of the same.

The report was then put to vote as a whole, and approved as a whole by sixteen votes, the delegation of the United States abstaining from voting. The discussion in detail taken up, Mr. Lopez Portillo, for Mexico, after regretting that the project was not given the form of a convention instead of a simple declaration, stated that he found the text of the first article deficient, and he proposed an amendment, making the article read: "Foreigners shall enjoy all primordial and civil rights granted and guaranteed by the State to its natives, and shall enjoy the same privileges to establish them, with the limitation of the laws provided by the treaties."

This amendment being discussed and voted upon, was rejected by sixteen votes, the United States abstaining from voting. Mr. de la Barra then presented a new draft of the article which read: "Foreigners shall enjoy all the civil rights granted to natives, and must make use thereof in the intent, in the form, in the procedure, and in the recourses granted, absolutely under the same conditions as natives, unless otherwise provided for by the Constitution and the laws."

The Honorable Delegate for Haiti thought this was too absolute, and that it did not take into con-



sideration the provisions of the special laws of each of the countries; that in his country, for instance, foreigners could not acquire property rights, neither by purchase, inheritance, nor donation, and, as in all the other countries there must certainly be similar restrictions, he did not think the article as drafted was acceptable.

Mr. de la Barra called the Delegate's attention to the provision made by the last part of the article provided for by the Constitution and laws of the country; but Mr. Leger insisted on his remarks, and proposed an amendment which was rejected by the Conference. Mr. Pineda then asked that the final words of the article, "and of the laws," be suppressed. This was agreed to by the committee, and the article being put to vote, was approved by sixteen votes, the United States and Haiti abstaining from voting.

Article II being put under discussion, Mr. Lopez Portillo said he did not think it proper to speak of the responsibilities of the Governments in favor of their citizens, nor did he think proper to use the terms of "fortuitous of whatsoever nature," as he did not think anyone would allege as reasons for claims, such as inundations, fires, etc.; on the other hand, it was inaccurate to classify wars as fortuitous cases.

Mr. Bermejo replied in an eloquent address, saying that the object of the article was to proclaim very loudly that foreigners have not, in the countries



where they establish themselves, privileges of any nature over the citizens of those countries, nor can they pretend to occupy any exceptional position which might authorize their Governments, when they are powerful, to exercise real acts of violence against such countries, which amounted to abuse of power. Those who settle in a country should submit in everything to its tribunals, and should have full confidence in their justice, and if they have not—if they do not believe that a nation is civilized—then they should not establish themselves in its territory, in order to be exposed to arbitrary measures and outrages. He concluded by appealing to the Conference that it should not fail to take advantage of the solemn opportunity to proclaim in the sight of the whole world the principle of respect for justice of the American countries, which were as civilized as most civilized countries of the world. The article was then adopted by fifteen votes, the same delegations as previously abstaining from voting.

Without discussion, Article III was adopted by the same number of votes. Article IV Mr. Lopez Portillo spoke in favor of suppressing, as besides there being a lack of unanimity on it, he did not think it of importance with the others. Mr. Bermejo sustained both Articles IV and V. He said that there is a capital difference between the American doctrine in which prevails the "*jus soli*," and the European doctrine in which prevails the "*jus sanguinis*." If we were to admit in the countries of

America that the sons of foreigners should follow the nationality of their fathers, we would soon find ourselves strangers in our own country. Mr. Matte, for Chile, deplored that the saving clause of the first article relative to the laws of each country had not been retained, and he cited the United States, for example, where in some States a foreigner could not acquire real estate. He spoke against Article IV, and concluded by asking that it be suppressed. Mr. de la Barra stated that his delegation would abstain from voting upon it by reason of the constitutional precepts and laws of his country, as already stated. Mr. Estupinian also declared his intention of abstaining from voting out of respect for the laws of his country.

Mr. Bermejo again spoke in favor of the article, and Mr. Lopez Portillo answered him by remarking that all the nations of America did not have the same interest in establishing the principle so ably defended by him. The article being put to vote, there were seven votes in the affirmative—Argentina, Bolivia, Colombia, Dominican Republic, Guatemala, Paraguay and Uruguay voting in the affirmative. Chile voted in the negative; and Costa Rica, Ecuador, Salvador, United States, Haiti, Honduras, Mexico, Nicaragua and Peru abstaining from voting. The Chair ruled that, as there had not been sufficient votes cast to carry the article, it would be taken up for discussion at the next session.

After a short debate on Article V, upon request

of Mr. Bermejo, the discussion on this article was also postponed till the next session.

Upon the articles again being taken up, the chairman of the committee stated that the previous remarks having been taken into consideration, the committee desired to substitute a new draft of Article IV, which was: "The American States recognize the principle of natural citizenship, and, in consequence, consider as citizens the persons born in their respective territories. The sons of citizens born on foreign soil, who at the time of arriving at legal age should they elect the nationality of their parents, shall have all the political rights of those born in the territory."

Mr. Matte stated that the delegation of Chile could not vote for the treaty if the two articles under discussion were to be a part of it, and inasmuch as his delegation had voted for the first three, and consequently desired to sign the convention, he for the second time asked the committee to divide the project into two parts, for which purpose he presented a proposition to that effect.

Mr. Bermejo replied that the committee would not oppose this request, in order to avoid the obstacles indicated, and then, as the two articles were about to be put to discussion, the committee stated its withdrawal of them. Mr. Matte then withdrew his proposition, as it had no further object, and requested of the Conference that the project as already passed upon should be given the form of a

convention, and not that of a simple declaration. Upon motion of Mr. Carbo, the Committee on Engrossing was charged with giving it this form. This was voted upon by all the delegations except the United States and Haiti, and the resolutions passed to the Engrossing Committee.



## CHAPTER XIX.

### THE CODIFICATION OF AMERICAN INTERNATIONAL LAW.

Mr. José Hygino Duarte Pereira, Delegate from Brazil, the eminent jurist who died in the midst of his labors, was the author of a project for the Codification of International Law, and was until removed by his sudden death, Chairman of the Committee appointed to report on the same.

At the twentieth session of the Conference, held on the 20th of December, the committee submitted its report. They gave due credit to their illustrious chairman as author of the project which they had only slightly modified. After referring to the ambiguity, and often obscurity and confusion of many of the provisions governing International Relations, which constitute in a great number of cases an obstacle to the real harmony of international relations, they gave a brief resumé of what has been done in the past towards the drafting of Codes of International Law for the purpose of fixing and determining the rules to which nations may subject themselves in their reciprocal relations.

They referred to the South American Conference at Montevideo, in 1888 and 1889, which had for its object the codification of International Private Law, and although that Conference had adopted the treat-

ies proposed, they had only been ratified by some of the countries, notwithstanding the fact that their adoption had been recommended by the Washington Conference of 1889. The committee expressed their belief, however, that the present Conference would be the first assembly of diplomats that would give its opinion in favor of codifying all the laws of nations, that is, of collecting in one clear and precise doctrine all the fundamental precepts which govern the relations between nations.

Taking as a basis of the relations between nations, the liberty and integrity of each one of them, it would be necessary to count upon all of them contributing freely towards perfecting and establishing such an International Code as was proposed, and, if possible, sanction the rules which were to govern them in their mutual relations.

Pointing out the difficulties arising from the fact that international relations are intimately connected with the interior and foreign policies of each State, which policies, in turn, are dominated by the interests, prejudices, and passions more or less firmly rooted in public opinion, which naturally produces political and economic antagonism between the nations, and consequently in their mutual relations, from which result the want of accord on many of the principles which should govern these relations, and the difficulty arising from the fact that the real necessities of the life of peoples are as varied as those necessities, the committee alluded to those

matters which do not affect the interest of any one particular country; such as those which do not suffer scarcely any alteration in the changes of the political life of the States, and do not give signs of any such changes. To this number pertain many matters of Private International Law, the conventions known under the name of International Unions, and finally those which rest on the noble sentiments of human nature, such as those which tend to render the laws of warfare less cruel.

Therefore, the committee thought that the difficulties which are opposed to the Codification of International Law, although serious, are not, after all, insuperable; but it would be necessary for a committee of American jurists to undertake the work by gathering the various opinions which exist in the different countries upon each one of the matters which is the object of the codification. This committee should not devote its work to the detailed regulation of all the matters which constitute international law,\*for, in view of all the difficulties presented, and the dearth of sufficient elements contributory thereto, it would be neither necessary nor convenient.

After giving briefly their opinion of the work which a committee of American jurists should consider and confine themselves to in the codification of an international law, a project for the convention of a committee of five American jurists, to be intrusted during the interval from the present to the



next Conference with the drafting of a code of Public International Law, and a Code of Private International Law, was submitted to the consideration of the Conference.

The discussion of this report and the project was taken up at the twenty-third session of the Conference, held on the 30th of December. Mr. Leger, of Haiti, rose at once with a series of amendments to the three first articles of the project. According to the rules, the discussion of these amendments was deferred, and the report being offered for discussion as a whole, and there being none, it was approved by sixteen votes, the Uruguayan and Venezuelan representatives not being in the hall at the time.

Article I of the project was then taken up, with the amendment offered by Mr. Leger, who stated that the proposition to codify an international law was the best evidence of the necessity felt by the American republics of such; but to limit its application to one hemisphere only would render more difficult the realization of the ideal; he, therefore, in an able argument sustained his amendment to the first article of the project, to the effect that the codification of an international law should not be limited to the countries of the Western Hemisphere alone, but should include Europe as well.

Mr. de la Barra, of Mexico, chairman of the committee, then rose on behalf of the committee, and stated that, while recognizing the exalted views of the Honorable Delegate from Haiti, the committee



found itself under the painful necessity of refusing to accept the same. In a few words, the speaker stated the strong reasons existing for such a course. Then referring to the proposed amendment intending to associate European jurists with American ones, he pointed out the difficulties and loss of time which would be occasioned thereby, and that, should one or more nations fail to appoint their representatives, or should the opinion of the latter, as it likely is, be radically opposed to those of the American jurists, the important work would not only become postponed, but its carrying out would become improbable. He concluded with saying that the committee would be glad to accept the amendment to the first part of Article I, but would not accept the other.

Upon being put to the vote of the Conference, the proposition of the Honorable Delegate of Haiti, rejected by the committee, was also rejected by the Conference, there being only the sustaining vote of Haiti. The session was then adjourned to the afternoon, when the amended article was presented by the committee, as follows:

“The Ministers of the republics accredited in Washington and the Secretary of State of the United States, shall appoint a commission of five jurists of America, who shall be charged with the preparation of a Code of International Public Law, and a Code of International Private Law, which are to govern the relations between the nations of America.”

Mr. Buchanan proposed the substitution of the words, "which are to govern the relations between the nations of America" for "to be applied to and in accordance with, the existing relations between the republics of America."

Mr. Carbo then offered an amendment in view of the vagueness of the wording of the article, and the Chair ruling that Mr. Buchanan's amendment would be first submitted, he requested Mr. Carbo to put his own in writing, so that it might be considered afterwards.

Mr. Leger again advanced his arguments in favor of the absolute liberty of the jurists appointed being left to bring their work to a successful conclusion, and of making such results applicable between the countries of Europe and America, as well, and requested the final words of the article be suppressed. Considerable discussion followed, and Mr. Buchanan's amendment being put to vote, it was rejected, only the United States and Haiti standing together on the proposition. Mr. Carbo then read his proposed change in the language of the article, which was to the effect of rendering it more clear, and it was approved. Mr. Leger's amendment was rejected by sixteen votes against those of the United States and Haiti.

Mr. Leger then withdrew his proposed amendments to Articles II and III, as being connected with that which he had framed for the first article, and consequently were useless, as the first had not been

approved. Mr. Macedo, of Mexico, submitted an amendment to Article III, introducing a clause which would insure the prompt formation of the codes proposed. Both the articles were then unanimously approved.

Article IV, referring to the ratification of a convention, at the suggestion of Mr. Lazo Arriaga, was suppressed as useless, whereupon Article V was put under discussion, and unanimously approved, ranking as Article IV on account of the suppression of the previous article. Mr. Macedo, considering it opportune that a term be fixed for the ratification of the convention, submitted as the fifth article the term limit within one year from the close of the Conference. The article being voted upon and passed by the Conference, the project was referred by the Chair to the Engrossing Committee.

At a subsequent session of the Conference, at the request of Mr. de la Barra, chairman of the committee, explaining that the committee believed it advisable to add to Article I of the project, "two European publicists of acknowledged reputation," the addition was made and at once adopted by unanimity of votes.



## CHAPTER XX.

## ON THE SUBJECT OF SANITATION.

Early during the Conference, Mexico presented a long proposition for a set of resolutions on International Sanitary Regulations, beginning with a reference to the recommendation made at the First International Conference, held at Washington in 1890, and the non-adherence to their provisions, nor their treaty ratification by any of the countries represented, with the exception of Paraguay; and dwelling upon the necessity of some such international sanitary measures being adopted, they gave a general history of what had been done in the past towards this end. The whole matter was referred to the Committee on Pan-American Sanitary Regulations, which, after several weeks of careful deliberation, during which the Mexican specialist on sanitation, Dr. Liceaga, President of the Board of Health of the Mexican Republic, was freely consulted, and the United States Government sent specially its sanitary expert, Dr Rosenau, from Washington, to aid the committee, the final report was presented at the thirty-seventh session of the Conference.

With only a slight change in one of its resolutions, proposed by Mr. Foster, chairman of the committee, the resolutions were adopted and referred to the Committee on Engrossing.

The preamble of these resolutions deals with the



advance in medical science in America, establishing sanitation in the place of quarantine, or the importance of putting cities in such sanitary conditions that disease cannot propagate, rather than the necessity of preventing infection by means of quarantine, which hinders traffic and brings obstacles to commerce. Referring to the common interests of the American republics rendering it necessary for the Conference to adopt methods and make recommendations for the improvement of sanitary conditions, and thus restrict quarantine, and perhaps do away with that which necessitates it, they pointed out the evils occurring from strict quarantine, and the advantages to be gained by working towards its eventual abolition. Reference was made to the good already done in the past by sanitary conventions held in different places, especially the two conventions of Rio Janeiro and Lima, which were the result of the six Congresses which had taken place previously in different parts of the world. The unhealthy quarters of towns and cities were pointed out as the principal foci of propagation of the diseased germs; and, if these quarters be cleaned and disinfected, the germs would die out. Cleanliness should be the principal care of cities. Diseased germs requiring food, their source of nourishment taken away, they could not live.

Surgeon-General Wyman's report on sanitation in Havana was freely referred to, in which he mentions as one of the most powerful incentives for sanitation taking root is the prospect of being free

from quarantine. The committee stated that upon commencing their labors they had carefully studied the project of the Mexican delegation, which showed a profound study of the subject, and also tended to establish the fact that the solution of the problem of the preventing of contagious and epidemic diseases had undergone modifications, made necessary by the continued advance of science since the First International Congress of 1890. But with the view of reaching immediate results, adhering substantially to the conclusions in the project of the Mexican delegation, they proposed the adoption of the recommendations which would powerfully contribute to combat the plagues which have afflicted humanity, decimating it, and always causing restriction to commercial traffic.

After paying tribute to Dr. Eduardo Liceaga, Dr. Wyman and Dr. M. J. Rosenau, for the efficacious co-operation obtained from them, and mentioning the reports and other works of the eminent Peruvian, Dr. Francesco Rosas, which had been made use of, the project of resolutions followed.

The first article proposes that all subjects relating to the objects of international quarantine, the preventing of the introduction of contagious diseases into a country, and the establishment and control of maritime and international land detention, or health stations, should be wholly within the control of the national Governments.

The second article provides for the establishment in the ports of each country of two kinds of deten-

tion—that for inspection, or observation, and that for disinfection.

The third article provides that prohibitive quarantine on manufactures and merchandise shall be abolished, and that merchandise proceeding from non-infected ports, and which passed through infected territory without being detained therein beyond the necessary time of transit, shall not be subject to detention or other sanitary measures beyond that of the inspection which may be considered necessary at its destination.

The fourth article provides for the co-operation of all the Governments represented at the Conference towards securing and maintaining modern and efficient sanitary conditions in all their respective ports and territories, to the end that quarantine restrictions may be reduced to a minimum and finally abolished. Further, that their respective health organizations be instructed to promptly notify the consular representatives of the countries of the International Union stationed within their respective territories of the existence or progress of cholera, yellow fever, bubonic plague, smallpox, or of any other serious pestilential outbreak.

The fifth article provides for a general convention of the representatives of the different health organizations of the American republics at Washington, D. C., within one year after the adoption of these resolutions; that each Government shall designate not less than two delegates to attend the convention, with ample power to form such sanitary agree-



ments and regulations as in the judgment of the convention may be in the best interests of all the republics represented; and that they shall designate a permanent executive board of not less than five members, who shall hold office until the next convention, and be known as the "International Sanitary Bureau," with permanent headquarters at Washington.

The sixth article provides for the service of the "International Sanitary Bureau" being rendered effective by the transmission of all data of every character relative to the sanitary conditions of the ports and territories of the republics, and the furnishing of every facility and aid for a thorough and careful study of any outbreaks of pestilential diseases which may occur within any of the republics.

The seventh article provides for the salaries and expenses of the delegates to the convention, and of the members of the "Sanitary Bureau," being paid by their respective Governments; but that the running expenses of the bureau, including those of special investigations, translations, publication and distribution of reports, be paid from a special fund created by annual appropriations by the republics on the same basis now in force for the maintenance of the Bureau of American Republics. It further provides, for reasons of economy, the utilizing of the present clerical staff of the Bureau of the American Republics to the fullest extent possible, and for the correspondence, accounting, disbursing, and preservation of the records incident to the work.



## CHAPTER XXI.

### CONGRESS ON THE SUBJECT OF COFFEE.

At the twenty-third session of the Conference, Mr. Lazo Arriaga, Delegate for Guatemala, called the attention of his colleagues to a subject which he thought was of vital interest to all, and that was what he termed the crisis through which the coffee industry is passing. He figured that fifteen of the countries represented at the Conference produced the berry, while the other four consumed it, and consequently all suffered more or less in their commercial relations as a consequence of its present low price. He thought it might be possible to find in the loss of revenue in some of the countries caused by the falling off in the price of coffee the cause of some of the revolutions which afflict several of the countries, the people suffering misery and poverty in them as a consequence of being unable to obtain a fair price for their product. To find a remedy for the evil, he submitted a proposition calling for a commission, to be composed of one or more delegates from each of the countries desiring to be represented, to meet at the City of New York within one year, and investigate the causes which are producing the low price, causing the crisis through which the great industry is passing, and to propose practical means to prevent or abate the same.

This proposition being submitted to the Committee on Agriculture and Industry, it was reported upon favorably, the committee adding to the remarks already made upon the subject by Mr. Lazo Arriaga, their belief that measures might be indicated, not so much as to limit the production, as to increase its consumption, as, for example, its exemption from duties which are caused by its exportation; exemption or reduction of the duties of importation which are charged by some of the principal European countries, to be secured by means of treaties of commerce; reduction of the cost of transportation; withdrawal from commerce of the most inferior classes of the berry, which are at present thrown upon such markets to the injury of public health; and, finally, the committee stated its belief, that if the meeting should have no other result than that of affirming with solid arguments, that it is impossible to propose a remedy for the crisis, even such a negative result would by itself constitute an advantage, because in such cases the producers, who are already discouraged, instead of continuing to make useless sacrifices for the preservation of their plantations, would reduce the same and devote their energies to the development of other industries.

Following these remarks, the committee presented the resolution calling for a commission, according to the plan proposed by Mr. Lazo Arriaga, said commission to be composed of delegates possess-

ing technical and expert knowledge regarding the production, distribution and consumption of coffee. The Board of Directors of the International Bureau of American Republics was designated to fix the date on which the commission should meet, and should assist the commission in perfecting its organization.

The report, upon being presented to the Conference, was approved without discussion.

## CHAPTER XXII.

## THE PROPOSED CUSTOMS CONGRESS.

At the twentieth session of the Conference, held on the 20th of December, the Committee on Commerce and Reciprocity presented a report recommending to the various Governments represented that, within one year from the closing of the sessions of the Congress, there should meet in the City of New York, a Congress composed of one or more delegates appointed by each Government from its prominent officials, or other persons, possessing technical and special knowledge in all customs matters.

In a long preamble, the committee set forth an exposition of the fundamental principles which had been its guide in preparing the project. It stated in the first place its belief had been to systematically exclude from the resolutions proposed all general recommendations bearing upon principles which are universally accepted. Referring to commerce as having always been a means of furthering culture and progress, and the necessity of favoring it by all possible encouragement between nations, it stated that its labors, to be productive, must tend to indicate ways and means which could be carried into practice.

The committee also stated its belief that the po-



litical economy and the fiscal laws of each Government must be guided primarily, and in their favor, towards the particular interests of its own people in the manner that the people and its Government may understand them, in accordance with their sovereignty; and that the principal source of revenue among most of the nations of this Continent being derived, and must continue to be derived, from the customs dues on the imports; and that many of the republics which up to this time have only exported raw materials, and imported manufactured products, are now tending, in view of their growing development of domestic industries, to transform their own natural products, making use of the same, and exporting them under more elaborate forms, diminishing, therefore, the imports of similar foreign merchandise.

The committee inferred from these principles, based on facts, that it should abstain from all recommendations which would directly or indirectly counsel the republics to alter either the custom house duties, or the basis established by tariffs for their collection. They declared these to be problems which each country must solve as it may think best, although they admitted the advantages which would result from the greatest possible uniformity on all these important matters; but they considered that such uniformity carried out to the point consistent with the diversity of habits and with the necessity of the inhabitants of the entire hemisphere,

must be the natural and spontaneous product of the study which is being made by each one of the Governments, in order that their respective countries may not be left behind in the struggle which competition necessitates in the modern world.

In view of this opinion, the committee concluded that the best measure which it could propose to the Conference would be an international conference of specialists to occupy itself in investigating the best methods to realize certain clear and simple propositions of evident common interest, and to suggest to the Governments what propositions would tend to diminish the obstacle which the custom house constitutes toward commerce, within certain limits compatible with the fiscal system of each nation, and without injury to the high interest which is involved in an honorable and loyal comprehension of custom house duties.

They then referred to several points of important initiative on the part of Mr. William I. Buchanan, which ask the Conference to adopt certain resolutions with the object of concluding the work of forming a common nomenclature of merchandise in the four languages which are spoken in the various republics, to be used by all the Governments as a basis for the custom house tariff, according to which the duties in all the republics should be collected. And while in sympathy with Mr. Buchanan's initiative, which gave as special reasons for concluding the work already undertaken in this di-

rection, which is very inaccurate, its inaccuracy proceeded chiefly from provincialisms and local idioms peculiar to the several republics in which the Spanish language is spoken; therefore, the committee thought, after consulting various opinions to the effect that a complete and perfect nomenclature could only be realized with great difficulty, owing not only to the four languages used, but also to the many constantly changing terms peculiar to the people of the different countries represented. It, therefore, decided to recommend that examinations be made by the Governments of the present nomenclature, and that, in view of this examination, the proposed Custom House Congress be instructed to examine and resolve the questions connected with this important problem.

Referring to commercial reciprocity, the committee said it had taken into consideration that a careful and calm investigation by the Governments would without doubt demonstrate the fact that the nations are able to make mutual concessions to each other, which, with the reciprocated advantages derived from a more active trade between themselves, would stimulate the development of their mutual products and national industries to such an extent as to constitute an adequate compensation for the pecuniary sacrifices which these concessions might cause, as their first and most apparent consequence. In proof of this view they referred to the facility of exchanges, and the consequent pros-



perity, which the many treaties of reciprocity between the different republics have produced.

Finally, the committee expressed itself as cherishing the profound conviction that one of the tangible results of the proposed Congress would be the fraternal intercourse of the nations represented, founded upon a better knowledge of their resources, their tendencies, and even of their representative men, which intercourse would tend to produce stable peace based upon mutual esteem, and this on its part would bring nearer the period in which a more complete development of their unexploited and almost inexhaustible resources would induce them to favor the extension of their railroads and navigation lines, and would lead all the nations of this Continent to broader and more liberal usages than those which have been customary up to the present time.

Following the recommendation for the formation of the Congress, it was specified that the Board of Directors of the Bureau of American Republics should fix the date for the assembling of the Congress, which should use its own judgment as to its organization, with the assistance or co-operation of the employees of the Bureau. Its purpose and objects should be to decide and pass upon all propositions which may be presented by its delegates, or by the committees which may be appointed, with due regard for the custom house system of each country. Their investigations should embrace such subjects as Uniformity of Regulations for the entry,



dispatch and clearance of the vessels engaged in international commerce; Uniformity and Simplicity of Customs Formalities with regard to manifests of vessels; facts to be contained in Consular Invoices, etc.; Uniformity in the Clearance of merchandise and baggage; Adequate Means to Establish a Common Nomenclature of the products and merchandise of the different republics; a simple and uniform system for declarations, and the custom house dispatch of samples and merchandise transmitted by post; to simplify and make uniform all the custom house formalities for the transportation of goods across one territory into that of another and to deal with all other matters of like character.

When the report was taken up for discussion, Mr. Matte, Delegate of Chile, stated that, as this is a matter of great importance, and, taking into consideration the precedents already established by the Conference when the report on Trade-Marks was discussed, and that in which the formation of Codes of International Law was consulted, that, in lieu of a simple recommendation to the Governments, the report should take the form of a resolution, in order that the assembling of the Customs Congress be facilitated and assured, as suggested by the committee; and he, believing that its labors would prepare the way for future reciprocity treaties (although, as a matter of fact, it was decided at the Washington Conference that zollverein between the American nations could not be constituted), he thought it pos-

sible, nevertheless, to secure harmony in custom house procedure; and that for such purpose, as well as for the formation of a nomenclature such as that recommended by Mr. Buchanan, and also a Code, or Digest, of all custom house laws, the assembling of the proposed Congress would prove to be most useful, as expedient, and that all points which could not be passed upon by the Conference in reference to such matters be decided by the technical Congress convoked in accordance with the resolution.

Regarding Mr. Matte's suggestion that the recommendation be adopted in the form of a resolution, instead of a simple recommendation, Mr. Anadon, for the committee, said that the members of the committee had already exchanged opinions and would accept it, it being necessary, according to the rules, to adopt the report as a whole, and then refer it back to the committee, for the purpose of making the proposed change.

Mr. Pepper, Delegate for the United States, stated that, as all the members appeared to be in accord with Mr. Matte's suggestion, it did not seem to him necessary to refer the report back to the committee, thus losing valuable time, but that such amendments as were desired could be made to the report then and there.

During a brief discussion of the rules which followed, Mr. Macedo, member of the committee, prepared a new draft of the recommendation, in the form of a resolution, as proposed by Mr. Matte, and

upon its being read, the President announced that, as the modification offered did not affect the whole, he asked the assembly whether it desired to adopt the project as a whole, and afterwards, upon discussing each of its articles separately, vote upon them with the modification which might be made.

The assembly decided, by the unanimous vote of the seventeen delegations present, to adopt the report as a whole. The various articles and paragraphs were then taken up for discussion, and voted upon according to the rules, and carried, Mr. Leger, of Haiti, reserving to himself the right to give his definite vote when the text of the resolutions should be presented in French in the final minutes of the Conference.

To this same committee was referred a proposition by Mr. Pepper, for the United States, and Mr. Calvo, for Costa Rica, the aim of which was the indorsement of the Commercial Museum of Philadelphia, a museum founded in that city by W. P. Wilson, Sc. D., for the exhibition and study of commercial methods and the promotion of international trade, and supported partly by public funds voted by the City Councils of Philadelphia, partly by fees paid by business men to cover the actual cost of preparing special reports obtained for them, and partly by appropriations from the State, the work of the institution being entirely unselfish and carried on without thought of profit.

This proposition met with an energetic protest



from the commercial or mercantile agency of R. G. Dun & Co., in the form of a communication through its Mexican office, claiming that the Museum undertakes to furnish for pecuniary remuneration mercantile reports of a private character, and that, therefore, a recommendation of the Conference in favor of said Museum would imply the indorsement of a specific mercantile agency, as against and to the loss of others, which through their private efforts are devoted to the same business.

The committee in its report announced that it had examined carefully into the Museum and its government, and had investigated the opposition made by the mercantile agency. The result of their investigations led them to state that they had found the *Philadelphia Museum to be a public institution*, which paid no dividends to shareholders, as it had none; that it is governed by a board of trustees, who comprise leading state and city officials, including the Governor and Mayor, and fourteen leading business men chosen for life and serving without salary, and that its funds, whatever their source may be, whether private, city, state or national, are invested was divided, which spoke for themselves, but only for that one which had in view the promotion of more intimate commercial relations among the American republics.\*

The committee, therefore, suggested that the Con-

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\*The Philadelphia Commercial Museum is only one of the component parts of the Philadelphia Museums, organized by ordinance of the City Councils in Philadelphia in June,



ference adopt a resolution recommending to their respective Governments the advisability of adopting measures looking to the speedy completion and renewal of the collections of their products exhibited at the Museum, and the transmission to it of the data, reports and publications of a general character tending to favor and increase mercantile traffic.

When this report was put under discussion, Mr. Walker Martínez, for Chile, said that he found himself in a perplexity to decide which way to vote on the subject, because he could not approve the report of the committee, neither did he desire to oppose it. It was evident that there existed a dispute between two private interests, which the Conference should not be called upon to decide. In view of the conflicting testimony of the two rival concerns, and his own inability to decide the case intelligently, he offered a substitute for the Committee recommendation, referring the entire matter to the Bureau of American Republics.

Mr. Macedo, for the committee, made some explanations of the committee's investigations to decide whether the Museum of Philadelphia was a private institution, or one of really public character, and, having decided that it was the latter, he gave some of the reasons, and thought the institution worthy of the assistance it asked.

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1894. The intention of the founder, W. P. Wilson, Sc. D., was to establish in course of time a group of five museums—commercial, pedagogical, archaeological, natural history and general.

Upon Mr. Walker Martínez insisting that the matter be referred to the Bureau, Mr. Pepper, for the committee, said he regretted that the committee could not accept the amendment; that if the amendment was accepted, he was afraid that some other private mercantile agency at the next Conference might ask that the Bureau of American Republics be dispensed with, because it was infringing on its functions.

Mr. Walker Martínez, in opposing the resolution, said that a similar one, solicited by the Museum from the United States Congress, had been refused, and he thought the Conference should follow that wholesome example, especially as it was shown that the institution certainly in some respects assumed the character of a private business. Further argument continued pro and con, in which Mr. Macedo and Mr. Guachalla sustained the resolution. Mr. Anadon announced that, owing to the difficult position in which his delegation found itself on the subject, Argentine would abstain from voting.

Being put to vote, Mr. Walker Martínez's amendment was lost, only Chile, Dominican Republic and Ecuador voting in favor of it. Mr. Carbo, for Ecuador, offered a slight modification in the text of the resolution, which was accepted by the committee, whereupon, put to vote, the resolution was adopted by fourteen votes, against that of Chile, Argentine and Dominican Republic, abstaining from voting.

## CHAPTER XXIII.

### RESOURCES AND STATISTICS.

The Committee on Resources and Statistics presented its report at the nineteenth session. This report began with a statement that "few are the matters which can prove to be so useful to international relations, as the mutual knowledge of nations in what refers to their products, industries and wealth."

After pointing out the advantages to be gained by an international exchange of statistical information upon such subjects, the committee presented a list of the subjects of which this interchange of data should treat. This list enumerated mines under exploitation, asphalt and metallic deposits, forests, flora, agronomic products, improvements of the soil, natural forces susceptible of creating motive power, means of communication, lands, industries, etc.

In order that the data covering these subjects should be as complete as possible, and should be collected and published in a systematic manner at suitable periods, the committee believed that the Bureau of American Republics, at Washington, should be authorized to extend the sphere of its activity and its efforts towards the attainment of the end proposed, with the co-operation of the repre-



sentatives of the respective countries. They also thought it would be advisable to establish permanent expositions to exhibit the natural and industrial products of the countries, and to encourage them in such a way that samples of all articles which may be considered as commercial, accompanied by explanations clearly defining the means of production, cost of land, seeds, raw material, and cost of labor and production, be sent, and renewed opportunely.

As the information alluded to would be difficult to understand if it were to contain different systems of weights, measures and coinage, it was recommended that the decimal system be established for the former, and the gold standard for the latter.

Based on these considerations, the committee recommended that the American Governments send from time to time, at the latest every year, to the Bureau of American Republics, the most complete information possible to obtain, regarding their population and natural resources, as well as all statistical data on manufactures and commerce, and on any other matter which they might deem useful for the development of their international economic relations.

They further recommended that the Bureau give special attention to the obtaining of such data, to the classifying and publishing of it, and that the republics send to the permanent expositions samples of their natural and industrial products, with



all information upon them, and that the data on weights and measures be given according to the decimal system, and likewise the standard gold coin of the United States be taken as a basis of values.

The report was signed by the Honorable Delegates Messrs. Charles M. Pepper, J. Leonard, J. B. Calvo, Baltasar Estupinian, and José Lopez Portillo y Rojas, and at the twenty-second session was referred to the Committee on Engrossing without discussion.

## CHAPTER XXIV.

## TRADE-MARKS, WEIGHTS AND MEASURES.

The report of the Committee on Trade-Marks, Weights and Measures for an international treaty unifying the same was read at the twenty-first session of the Conference, whereupon Mr. Casasus, of the Mexican delegation, delivered a long address, stating that it had not been his intention to take part in the discussion; that he had limited himself in a private way to offer some suggestions to the committee, but, as they had been rejected, he considered it necessary to present the same before the Conference. He reviewed the principles of the subject-matter covered by the report, and plainly stated his objections to it, expressing a desire in doing so not to give any offense to the committee.

Mr. Elmore, chairman of the committee, thanked the Honorable Delegate of Mexico for his observations, the matter being of such importance for all the countries of the Continent, for the reason that it affected the interests of the consumer, as well as those of the manufacturer and merchant. Reference was made to the Treaty of Montevideo, upon which the committee report was based, and he concluded by stating that he believed the suggestions made by Mr. Casasus should be adopted. Further remarks were made by Mr. Walker Martínez, Mr. Bermejo,

and Mr. Macedo, and finally upon motion of Mr. Walker Martínez, the report was adopted as a whole, and referred back to the committee.

The revised report was read at the twenty-fourth and taken up for discussion at the thirty-third session. At the request of Mr. Elmore, it was put under discussion as a whole, and without debate adopted by fifteen votes, the Delegate of Haiti abstaining from voting, stating that as long as it was not determined to have the resolutions of the Conference translated into French, he was compelled to abstain from taking part in its labors.

Mr. Walker Martínez stated that the custom of submitting the reports in Spanish and English had been followed, and there was no reason why the Honorable Delegate from Haiti should abstain from taking part, although he did not deny his perfect right to refuse to sign the treaties if they were not translated into the language of his country when they were ready to be signed. Thereupon the Chair observed that French was not a language merely tolerated by the Conference, since the regulations provided that each one of the Delegates could speak in his own language, and, therefore, the Honorable Delegate for Haiti was in his right to demand the translation of the documents into French, and he did not doubt but that the committee would make provisions for it in the future.

The report was then taken up by articles, discussed and voted upon, Haiti abstaining from vot-

ing on all the articles, while the United States and Mexico abstained from voting on some of them. Mr. Volney W. Foster stated by way of explanation why the United States abstained from voting; that the patent law practiced in his country had many ramifications, and was something very large, and that there were some articles in the project which his delegation could not say how they affected the existing law. He further added that he hoped that the project adopted by the Conference might be one that his country could accept, and in abstaining from voting, he was not opposed to the project.

Article I of the project provides that the citizens of each of the signatory States shall enjoy in the others, the same advantages granted to their respective citizens regarding Trade-Marks of Commerce, or Manufacture, Models and Industrial Drawings and Patents of Inventions. Consequently they shall have the right to the same protection and to identical remedies against any attack upon their rights.

The succeeding articles define the rights of foreigners domiciled in a country having the same rights with respect to the treaty as a citizen, what constitutes a copyright or patent, methods to be employed to obtain such, and the civil and criminal responsibilities of those who infringe upon them.



## CHAPTER XXV.

### REPORT OF THE COMMITTEE ON GENERAL WELFARE.

A committee of seven members was appointed to deal with topics concerning the general interest and prosperity of the republics, which was called the Committee of General Welfare, and to its consideration was referred various communications and projects which could not properly be classified under the heads of the work of any of the other committees, or which could scarcely be expected to have a special committee appointed to consider them. Mr. John Barrett, for example, asked that, as the World's Fair at St. Louis was to be an international exposition, and its directors hoped that the Conference would see fit to consider its plan and scope, and adopt resolutions favorable to Pan-American participation, the matter be referred to the Committee on General Welfare.

A note received from the Spanish Minister at Mexico, inclosing a copy of a cablegram from the King of Spain, informing the Conference that the Spanish Parliament gave cordial expressions of sympathy as a proof of gratefulness for the greetings sent to Spain by the Delegate from Colombia, was referred to this committee. The greetings referred to by the Spanish Parliament were the expressions of General Reyes in answering a toast

delivered by the Governor of the Federal District, in tendering, on behalf of the City of Mexico, a banquet on the 24th of October to all the Delegates of the Conference. General Reyes explained that his object had been to send cordial greetings to Spain, after so many years of darkness, upon the meeting of all the nations of the New Continent, including among them the United States, which had contributed more than any other to clear that darkness.

The committee in its report recommended that the Conference acknowledge gratefully the cordial salutations from the Spanish Parliament, and reciprocate their cordial greetings. They also reported favorably upon a proposition to congratulate the young Brazilian aeronaut, Mr. Santos Dumont, upon the brilliant success he had achieved in aerial navigation, including those of all the other scientific men who persist in the discovery of the problem of aerial navigation.

Early in the Conference an essay was received from Asunción, Paraguay, by Miss Ramona Ferreira, on the conditions of the working classes in that country. The receipt of this essay was simply announced to the Conference, and then referred to the committee.

The other subjects referred to this committee in the order they came up were as follows:

A communication was read by Mr. Pepper from the American Section of the International Peace

Bureau, inclosing by order of its President, Mr. Frederick Bajer, a set of resolutions by which the American States would agree to bind themselves to become and remain neutral; to prevent the employment of force in their reciprocal relations, and to conclude conventions of obligatory arbitration.

A communication from the President of the Association of International Olympic Games, to be held at Chicago in 1904, to Mr. Volney W. Foster, asking him to convey to the Delegates of the Conference their warmest expression of friendship and good-will, and requesting the participation of their respective countries in the Olympic Games.

A proposition presented by Messrs. Chavero and Foster, recommending the creation of an International Archaeological Committee.

A draft of a resolution presented by the Delegates of Guatemala, Nicaragua, Mexico, Honduras, Salvador and Costa Rica, manifesting the appreciation of the Conference of the efforts of the City of St. Louis, in its preparation for the International Exposition of 1903.

A proposition extending congratulations to the President, Director-General and to the other officials of the Pan-American Exposition at Buffalo, as well as to the people of that city, by the delegations of Nicaragua, Honduras, Costa Rica, Guatemala, Ecuador, and Salvador, for their efforts towards the success of that great undertaking.

On the resolutions of the International Peace



Bureau the committee recommended that it be referred to the Committee on Arbitration for its consideration, which was done.

On the communication addressed to Mr. Volney W. Foster, soliciting the participation of the different republics in the International Games of 1904, the committee recommended that the Conference communicate the invitation of the International Association of Olympic Games to the different Governments, which was approved by the unanimous vote of the Conference.

The other projects relating to the manifestation of appreciation of the efforts of the City of St. Louis in its preparation for the International Exposition, and that extending congratulations to all those who contributed to the success of the Buffalo Exposition, were approved, with the addition to the last proposition of the inclusion of the special mention of the Director-General of that exposition, Mr. Buchanan.

The proposition of Messrs. Foster and Alfredo Chavero, recommending the appointment of an International Archaeological Committee, was reported upon favorably, with the addition that the commission and sub-commissions be subject to the special laws of each one of the contracting countries.

In the preamble of this project, the reasons are set forth for the resolution, as the existence upon the territory of the republics, archaeological and ethnological remains of inestimable value, which time,



erosion, and vandalism are rapidly dimming and destroying. The resolution is consequently made that the commission be appointed by the various Governments naming one or more representatives; that the expenses and salaries be defrayed by each of the Governments so appointing them; that such commissioners be appointed for a term of five years, subject to reappointment, and that the expenses incident to the prosecution of the work shall be appropriated by the Governments subscribing on the same basis as that on which the Bureau of American Republics is supported. The first meeting of the commission is required to take place in the City of Washington, within two years from the date of the resolution; that the accounting department of the commission be exercised by the Bureau of American Republics; that the commission shall meet at least once a year; that it shall have the power to appoint sub-commissions to explore, clean, and preserve the principal pre-historic cities, establishing at each of them a museum to contain exhumed objects of interest found in the locality, and to establish conveniences for the visiting public, and concludes with the contemplation that the result of the work of the commission may be the establishment of a great international museum, which may, in turn, result in the interpretation of the written messages which have been left upon the walls of many of these ruins by their builders.

## CHAPTER XXVI.

## FUTURE PAN-AMERICAN CONFERENCES.

The Committee on Future Pan-American Conferences reported :

“ The expediency of holding periodically international American Conferences has been recognized by the republics of this hemisphere. Many advantages have been derived from these assemblies, inasmuch as the exchange of ideas and the diffusion of knowledge among the countries represented in them, contribute to foster closer relations among these republics through the resulting treaties and conventions. The progress achieved at the reunions is towards the realization of mutual ideals and the unification of their legislation, in which manner all these nations harmonize their desires of mutual welfare. This work must necessarily be a gradual one, and therefore recommendations of one Conference may be amplified by those of a subsequent one, or if such recommendations should have met with difficulties in their applications, such obstacles may be removed by the next Conference, in such a form as experience may indicate, and which it may consider as the most appropriate.

“ The guiding aim, then, is to be found in the continuity and unity of interests of the American republics, and especially the stimulus of the commercial

relations between them and in encouraging the development of natural resources."

The idea of each Government presenting a report of what they each had done at a previous Congress was indorsed, reference being made to the ones read and distributed by the Mexican and Argentine delegations. As a matter of fact, several of the delegations thought it useless to take up the time of the Congress by the reading of such lengthy reports, arguing that the object of the meeting was to discuss practical measures for the future and not for each delegation to tell the others what they had done or could not do.

The committee expressed it as the prevailing opinion of the Conference that such meetings should occur at frequent intervals.

At the thirty-seventh meeting the following resolution was presented and discussed:

"*Resolved*, That the Third International American Conference shall meet within five years in the place which the diplomatic representatives accredited by the American republics in Washington, and the Secretary of State of the United States of America, may designate for the purpose, and in accordance with what at the meeting of the said representatives may be resolved regarding the programme and other necessary details, for all of which they are hereby expressly authorized by the present resolution."

"It is also resolved to recommend to each one of the governments that they present to the next Con-



ference a complete report of all that has been done by their respective countries in obedience to the recommendations adopted by the First and Second Conferences."

After being approved as a whole, it was discussed in detail. Mr. Macedo of Mexico presented the following addition to the first paragraph:

"If for any circumstance it should not be possible that the Third Conference be held within five years, the diplomatic representatives accredited at Washington and the Secretary of State of the United States of America shall have the power to designate another date for said Conference."

After some discussion between Messrs. Macedo, Anadon, Calvo and Pepper, the resolution, as amended, was put to a vote, unanimously approved and referred to the Engrossing Committee.



## CHAPTER XXVII.

### MINOR ITEMS.

#### GREETINGS TO CUBA.

Near the close of the sessions of the Conference, Mr. Pepper requested that the Assembly transmit to the future President of Cuba its sincere wishes for the successful discharge of his duties, and for prosperity of the new Republic of Cuba. He asked for the immediate passage of the resolution without reference to a committee, saying that the subject and circumstances justified such action. He further stated that, in offering the resolution, the United States delegation believed that it reflected the sentiments of the American people, and their desire for the well-being and prosperity of the new-coming nation; and that it was fitting for a Conference representing so many republics, whose independence was achieved through the blood and suffering and the sacrifices of their people, should now extend recognition to the island whose independence signalized the beginning of the twentieth century.

Mr. de la Barra, for Mexico, seconded Mr. Pepper's motion, expressing at the same time his desire for the growing prosperity of the Island of Cuba, under a solid and autonomous government, and under the protection of the laws which may promote the development of its immense wealth.

Mr. Carbo, for Ecuador, stated that he applauded the proposition, as it reflected the general sentiments of the Conference, and asked that it be approved by acclamation. Mr. Leger, for Haiti, also stated his approval of the resolution, but he did not think the Assembly should use terms in its resolutions not in accord with the situation; therefore, he proposed the addition of the words, "the future Republic of Cuba." Mr. Anadon, for the Argentine, was in favor of suspending the discussion till the Delegates had the opportunity of informing themselves more thoroughly in regard to the election of the President of Cuba.

Mr. Henriquez y Carbajal, for the Dominican Republic, assured the Delegate, in an extemporaneous speech, that the President had been elected in due form; and, after further remarks by Mr. Carbo and Mr. Elmore, of Peru, Mr. Anadon, withdrawing his objection, the Conference adopted the resolution by acclamation.

#### INTER-OCEANIC CANAL.

At the thirty-fourth session a proposition was read, signed by all the Delegates with the exception of the United States, applauding the purpose of the latter country in opening an inter-oceanic canal. It was taken into immediate consideration, and approved by acclamation, whereupon Mr. Foster, for the United States, replied in a short address, expressing the sincere appreciation of the high compliment paid his Government.

MARITIME AND RIVER TRANSPORTATION.

The report of the Committee on Maritime and River Transportation was not presented till the thirty-fourth session. The report was limited to the approval of various projects for the facilitation of maritime and river transportation, and concluded with the suggestion that the entire project be referred to the Custom House Congress, which had already been projected, to convene in the City of New York, offering the following list of subjects for its investigation:

“a. The simplification of charges collected from merchant vessels, limiting them to that of tonnage only, which shall be collected in an equitable manner from the vessels which may bring cargo, and from those in ballast.

“b. Uniformity in the collection of the charges to which the foregoing article refers, taking as a basis the gross tonnage of the vessels.

“c. The advisability that all the Governments of the republics of America should enact laws, ordinances, or port regulations, facilitating the entry and clearance of vessels, with the greatest possible despatch.

“d. Measures tending to facilitate the loading and unloading of vessels.

“e. Adoption of a maritime and administrative nomenclature for the custom houses, in which all articles upon which duties are charged at present, or upon which they may be charged in the future,

shall be enumerated in alphabetic order, in Spanish, English, Portuguese and French. This nomenclature shall be used in manifests, consular invoices, entries, permits, and other custom house documents."

At the following session the report was approved unanimously by all the delegations without discussion, Mr. Leger, for Haiti, merely stating that he voted with reserve upon clauses a and b.

#### LONDON PEACE SOCIETY.

At the session of the 8th day of November, a communication was read from the Secretary of the Peace Society of London, W. Evans Darby, Esq., in which the latter announces the sending of several works on the subject of arbitration. The letter states that the society is "the oldest organization for the promotion of peace and arbitration in the world," and the warmest hopes are expressed for the success and usefulness of the Congress.

#### PROPOSITION FROM CITY OF NEW ORLEANS FOR BUREAU OF AMERICAN REPUBLICS.

A proposition from the City Council of New Orleans, suggesting that the Bureau of American Republics be transferred to that city, was referred to the Committee on the Reorganization of the Bureau of American Republics, and reported upon, the committee stating its desire to thank the City Council for the interest shown in favor of the Bu-



reau, but that the offer could not be accepted in view of the plan of reorganization recommended by the committee to the Conference.

#### GENERAL RESOLUTIONS OF THANKS.

As the Congress was about to close a resolution was read, signed by various delegations, in which they expressed their esteem and gratitude to the President of the United States of Mexico, General Porfirio Diaz, to his Cabinet, to the Governor of the Federal District and to the Municipality of the City of Mexico, for the attention, hospitality and benevolence that they have extended to themselves, their families and their secretaries since their arrival in the country, and that they beg the Mexican Government to communicate to the Governors of the States of Puebla, Vera Cruz, Jalisco and Nuevo Leon their appreciation for the opportunities they have offered them to visit those States of the Republic.

Mr. Foster, in supporting the proposition, said that in the manifestations of sympathy extended to the Delegates by both officials and the people of Mexico, neither money nor expense had been spared and that an atmosphere of cordiality had always existed which had caused even the most trifling difference to disappear, and that the most complete harmony should prevail. In the annals of the Conference it is shown that nothing which has been proposed by any of its members has failed, and that the greatest tolerance has presided at all its discus-

sions, not only in the body of the Assembly, but also in each of its committees. The result of its labors will undoubtedly be of the highest benefit for all the republics represented. Matters of the greatest importance for all of them have been acted upon and decided in the most satisfactory manner, and the bonds of friendship which unite them have been made closer, thus giving a decisive step towards the glorious ideal which all are seeking—that of American fraternity. After expressing his appreciation of the services rendered to the Conference by its President, Secretary-General and the other secretaries, and rendering a homage of respect and affection to the memory of Dr. Hygino Duarte Pereira, he concluded by making a cordial mention of the secretaries of the delegations, for each one of whom he expressed his sincere sympathy.

At the thirty-eighth session Mr. Carbo of Ecuador, with his usual thoughtfulness, proposed the following resolution, which was unanimously approved:

“The Second Pan-American Conference takes pleasure in acknowledging the important co-operation lent to its labors by the secretaries of all the delegations represented in this assembly; and hereby resolves to have their names inserted in the minutes of today’s session.”

LIST OF HONORABLE SECRETARIES OF ALL  
THE DELEGATIONS.

*Argentine*.—Rufino Varela Ortiz, Emilio Noceti.

*Bolivia*.—Nestor P. Velasco, Adolfo Romero.

*Brazil*.—A. Fontoura Xavier, Luis Guimaraes.

*Chile*.—Dr. Alejandro Alvarez, Marcial A. Martínez, Enrique Balmaceda, José Luis Santa Maria.

*Colombia*.—Rafael Reyes Angulo, Alejandro Urdaneta.

*Costa Rica*.—Manuel A. Parraga.

*Dominican Republic*.—Cristobal Vela O.

*Ecuador*.—Cristobal Vela O, Leopoldo Pigout.

*Mexico*.—Fernando Duret, José F. Godoy.

*Nicaragua*.—José V. Dosal.

*Peru*.—Dr. Victor M. Maurtua, Pedro Davalos y Lisson, Juan de Osma.

*Salvador*.—Dr. Miguel T. Molina, Manuel A. Melendez, Fausto Estupinian, José M. Regalado.

*United States of America*.—John Cassell Williams, Milton J. Rosenau, Thomas Maddin Sommers, Charles S. Robb, A. V. Foster, Theodore Z. Hardee.

*Uruguay*.—Juan P. Etchegaray.

*Venezuela*.—Enrique Perez Valencia.

#### SPANISH DICTIONARY.

An agreement was signed among a number of the Delegates to recommend to their respective Governments that the amount of 210,000 francs be subscribed for the complete edition of 1,200 copies of the Dictionary of Construction and Rules of the Spanish Language, by the Colombian writer, Rufino J. Cuervo, described as a monument which highly honors the science of America. The said amount which the edition will cost was further agreed to be subscribed in the following manner:



The Republics of Argentine, Colombia, Chile, United States of Mexico, shall contribute the sum of 110,000 francs in equal parts; that is to say, 22,000 francs each; the republics of Bolivia, Costa Rica, Santo Domingo, Ecuador, Salvador, Guatemala, Honduras, Nicaragua, Paraguay and Uruguay, shall contribute 100,000 francs also in equal parts, that is 10,000 francs each.

They proposed to request the Mexican Government to undertake the realization of this idea, collecting the amount of the subscriptions, furnishing the funds to the author of the work, and distributing copies of the same among the Governments that have contributed to it.



## CHAPTER XXVIII.

### THE EXPLORATIONS OF THE REYES BROTHERS.

At the twenty-third session, on December 31, General Rafael Reyes, Delegate for Colombia, gave a very interesting account of the explorations by him and his brothers, Enrique and Nestor, in the heart of South America, from the Pacific to the Atlantic. The speaker stated that he had often been urged by the Geographical Societies of London and Paris, as well as by others, to publish an account of his explorations; but he had not done so, because the tragic death of Nestor, his younger brother, who was devoured by the cannibals of Putumayo, and of his other brother, Henry, who died of fever, had caused him to look back with horror upon everything connected with that enterprise. As a member of this Congress, however, he believed it his duty to give publicity to his experiences, in the opinion that one of the most important steps that this body could take would be those bearing upon the opening and enlarging of the internal waterways, as a corollary to the great undertaking of a Pan-American railway. He remarked that President Roosevelt had encouraged him to give the Congress an account of the same, for, "with the clear vision of a statesman, he told me: 'That region is a new world, destined for the progress and welfare of hu-

manity.'” General Reyes then alluded to the explorations of Livingstone and Stanley in Africa, saying:

“Scarcely a quarter of a century has elapsed since the explorations of those two apostles of progress came to an end, and to-day railroads already traverse those territories which they had to cross afoot opening routes through the dark forests; flourishing and new settlements spring up as if by magic, and a commerce of very great importance is carried on. Why should not the same take place in South America?”

The journey of the Reyes brothers through a virgin region is of thrilling interest, and was modestly told by the survivor as follows, in part:

\*“We started from the City of Pasto, situated on the summit of the Andes, under the equinoxial line. The immense region which extends from that city for more than 4000 miles to the Atlantic, was then completely unknown. We traversed afoot the great mass of the Cordillera of the Andes, which rises more than 12,000 feet above the level of the sea, up to the region of perpetual snow. Where this ceases there are immense plains, called *paramos*, upon which there grow neither trees nor flowers, and where animal life completely disappears. We wandered for a whole month on those cold solitudes, guided only by the compass. In winter, they are covered with a fog as dense as that of the high latitude of the

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\*From the official reports.

North; there were days in which we had to remain in the same spot in semi-darkness, without being able to advance a single step, the thermometer falling to 10 degrees below zero, an unbearable temperature, as we lacked proper shelter and shoes. We had to use a kind of shoe called '*alpargatas*,' made out of *henequen* (hemp), which only covered half of the foot; leather shoes cannot be used as those plains are covered with a thick layer of mud, in which the traveler, while walking, sinks down to the knee.

"After marching for a month through that desert, in which perished, due to the intense cold, two men of the expedition, of the ten who carried provisions on their back, we reached the limit of those solitary pampas, which appeared like the product of a newly forming nature. We were at the eastern water-shed of the Andes. An ocean of light and verdure extended before our eyes, in marked contrast to the shadows and solitudes which we had just traversed; we had before us the abrupt declivity of the Cordillera, which descended in some parts almost vertically, then in slightly inclined slopes, and beyond in perfect levels for miles and miles down to the ocean. Over the granite walls of the Andes the waters precipitate themselves in majestic cataracts, rushing afterwards in torrents through the valleys of the Cordillera, and upon reaching the plain, they convert themselves into broad and beautiful rivers, and, like great ribbons of silver on an



emerald field, they are lost in the distant horizon. In the forests, the luxurious tropical flora exhibits itself in all its beauty. The trees appeared peopled with all kinds of varied colors; it was, in a word, life which we had before us, and chaos which we left behind.

“ We penetrated these unknown forests, opening roads with the machete through brambles and briars and creepers which obstructed our passage. Arriving at the vertical declivities of the Cordillera, in places which were impassable, we had to descend through the aid of ropes.

For fifteen days we continued our march through these virgin forests, in which snakes and wild beasts abound, but which fortunately did not cause us any damage. We crossed the torrents over bridges of trees which we threw across them or forded them afoot; in crossing one of these mountain torrents, we lost two of the carriers, and the expedition was reduced to only six men. After great fatigue, and already exposed to a temperature of 30 degrees centigrade, we arrived at a river navigable by canoes, on the shores of which lives the tribe of the Mocoas, which Indians, although savages, are hospitable, and not cannibals. We remained with this tribe one month during which we procured from them a canoe to continue our expedition to the Amazon river, and six Indians who were to accompany us on our trip. They were familiar with only six hundred miles of the down stream, and



they informed us that from there they had never gone beyond, because those who had dared to proceed further, had been devoured by the cannibal tribes, which inhabit the other half of the river up to the Amazon.

“ We launched our canoe, following the course of this unknown river, to which we gave the name by which it was known by the savages ‘Putumayo’ (meaning ‘Clear Water’ in the Siono dialect). After two days of navigation, we arrived at a point, which we baptized with the name of ‘La Sofia,’ that of my wife, where the river is six feet deep at all times, and which is the terminus of steamboat navigation.

“ It took us a month from La Sofia to reach the last point known by the savages of Mocoa, a distance of 600 miles. Through all this territory the river is navigable for steamers of five-foot draft, without encountering any obstacle; its shores are covered with dense forests, in which there abound the caucho, or ‘jeve,’ coacoa, sarsaparilla, vegetable ivory or ‘tagua,’ ipecacuanha, many other medicinal plants, and a variety of fine woods. We visited the nomadic tribes, which treated us with benevolence and even generosity, making us presents of smoked provisions, the product of hunting and fishing, which constitute their principal occupation.

“ These tribes are the Cosacuntis, Montepas, To-halla and the Inquisilla, all finely built and in con-

stant migration in the search of game and fish. They have but few huts of straw; they cultivate small plantations of bananas and yucca, in the clearings made in the woods, felling the trees with stone axes, and then burning them up. They go almost naked, and each tribe preserves the most absolute autonomy with respect to the others. The dialect which they speak is a mixture of Siona and Quipchua. They have no religion other than the worship of the evil spirits, with which their priests, or Payes, pretend to be in communication, for which purpose they intoxicate themselves with the juice of a narcotic plant, which they call Yoco. It is always necessary to be on good terms with the Payes or priests, who sway influence over their companions. The number of individuals of which the said tribes are composed, according to the information we gathered, is about 20,000.

"We entered now upon the region inhabited by cannibal Indians. The first tribe which we encountered were the powerful and warlike Mirañas. Our companions, the Indians of Mocoa, notified us categorically that from that place on they would not go any further, and that we had to procure a canoe and oars and men to row from that tribe, because they were going to return. We did so; we landed, and with an interpreter we went to the first settlement. We found in it its powerful chief, 'Chua' or 'tiger,' a handsome young man of fine and athletic figure, some 30 years of age; he received us as friends, and

gave us his hand, which is an unequivocal sign of friendship among these savages, and invited us to enter his hut. I was the first white man whom these savages had seen, and for that reason was the object of their child-like curiosity. They were celebrating a feast of the full moon, and offered us their dishes of human flesh of Indians, called Huitotes, the enemies of the Mirañas, who had been made prisoners.

“Through the interpreter we asked Chua—who from that date on was our friend, and always remained faithful, carrying his affection so far as to take my name, calling himself thenceforward Rafael Chua—to give us canoes, provisions and some Indians, to continue our trip toward the Amazon river. The generous Indian promised to give us all that we might need.

“We took leave of our companions, the Mocoas, and remained as the guests of the Mirañas.

“We remained among them 15 days, during which time we accompanied them on their hunting and fishing expeditions. After this, Chua gave us a large canoe and ten robust young men as a crew, to continue our trip to the Amazon.

“On a beautiful morning, we bid good-bye to our friend Chua, and put out in our canoe on the waters of the Putumayo, which in those parts has a width of more than 900 yards and is 10 feet deep. There were yet 600 miles before reaching the Amazon river. In all this distance the river is naviga-



ble at all times for steamers of a draft of nine feet. The forests which cover its shores abound with the same vegetation as those we had previously traversed. We visited and made friends with the cannibal tribes of the Huitotes, Benecio, Orejones, Carijones, Caraparana and Campulla. All these received us and treated us with kindness and generosity. We must acknowledge that, during ten years, in which we made explorations on the Putumayo, on the Amazon, and its other tributaries, we were never threatened nor attacked by the savages, which unfortunately was not the case with our younger brother, Nestor, who was devoured by the cannibals of Putumayo, and thus paid with his life, in the bloom of youth, his love for work, for knowledge, and for the progress of America.

“ We spent two months in descending the lower part of the river, because we delayed making explorations ashore, and remained some days visiting the different tribes. These speak the Siona language, and the number of individuals of which they are composed, according to the information we received, is over 60,000. These tribes live in continual warfare with one another, so as to take prisoners for their festivals, and also to sell them to the merchants ascending the Putumayo some 200 miles from the Amazon, and who, in exchange, give them alcohol, tobacco, strings of glass beads, mirrors and other trifles. During the time in which I visited that region with my brothers we destroyed this bar-



barous trade, putting those traders in human flesh in prison, and delivering them afterwards to the Brazilian authorities, which always dealt out to them a merited punishment.

“The most troublesome part of this, our first exploration, was not the heat of 45 degrees centigrade, which we had to stand without any shade, as the canoe was an open one, and under the burning sun; nor the fatigue of rowing all day as much as the Indians, nor the poor and scant food, nor the dangers which we incurred in the midst of those cannibals. It consisted in the nights which we had to pass on the immense river-banks, on burning sands, parched by the sun during the day time, in which we had to dig a sort of a grave, in which to bury ourselves, leaving only the nose uncovered, as the Indians were in the habit of doing, in order to protect ourselves against the bites of the mosquitoes, which exist in such an abundance that it may be said that the atmosphere is thick with them, and to such an extent do they fill and obscure it, that, on clapping the hands together, there remains between them a solid mass of mosquitoes. With the first dawn of the morning, the mosquitoes disappeared, and we emerged from our graves, which had served as improvised dormitories, and in which we had lain naked, covered only with a mixture of sand and sweat, which became hardened on our skins with the cold of the mornings, and jumped into the river to free us through its waters of this

heavy and disgusting covering, and put on the scant and tattered clothes which yet remained by us. We sailed during all the hours of daylight, and only stopped for the purpose of hunting and fishing to supply our food necessities, and at night we prepared that which we had procured during the day.

"Such was our life during the two months which we spent on the Putumayo, and which seemed to us an eternity; we suffered the same fatigues as our savage companions, not only in the management of our little and fragile canoe, but also in hunting, fishing and in the expeditions which we made afoot, and it is our conviction that it was this circumstance which gained us the affection and the respect of the savages, who recognize no other superiority than that of strength.

"At last, after great fatigues, after traversing the Cordillera and going either on foot or in the canoe over the fourteen hundred miles of the Putumayo river, we arrived at the Amazon river. Our efforts had been crowned with complete success, having pursued the object which induced us to undertake this expedition, which was nothing less than to discover a river navigable for steamers which would form a communication between Colombia and the Amazon river.

"Similar explorations of the same laborious character as that which we have just described we subsequently made during several years, with our brothers, Henry and Nestor, on the rivers Caqueta,

Napo, Ucayali, Yabari, Yurua, etc., and others, which are marked on the map which I hand you herewith.

"My brother, Henry, died of malignant fever, while exploring the Yabari river, and the Peruvians erected him a sumptuous mausoleum in the cemetery of Iquitos.

"Nestor, my younger brother, was lost while exploring the forests of Putumayo, where, as stated before, he was devoured by the savages. We could only recover his bones, which I was able to unite with the remains of my brother, Henry, and carried them to Bogota, the Capital City of Colombia, where they now rest, deposited in the Cathedral.

"May it be permitted to me, Mr. President, to convert myself for a moment into a herald of historic justice, and, leaving aside the considerations of the ties of consanguinity, to consecrate here, before you, a remembrance of admiration to those two heroes of labor and of the civilization of the American Continent?"

The speaker then concluded with a brief review of the climate, agricultural products, mineral wealth, natives and the general topography. In reference to waterway communications, he said:

"I must call the attention of the Conference to the very important fact that the Inter-Continental Railway line, which will cross South America, could easily, by means of some branches, be connected with the immense system of river communications



formed by the Amazon and its tributaries, on which trans-Atlantic steamships can navigate for three thousand miles, and river boats, like those of the Mississippi for thirteen thousand miles, which makes a river navigation of sixteen thousand miles, through a territory of virgin soil, and in which all kinds of mineral and agricultural resources are abundant. These rivers run through the territory of all the South American countries, with the exception of Chile, in such a manner that they are, or can be, communicated with each other by means of river navigation.

“During several years I explored in company with my brothers, Enrique and Nestor, who perished in that work, the Amazon river and the greater part of its affluents; we discovered some unknown rivers; we established steam navigation with others; we communicated by means of overland routes, the river navigation with the towns on the Andes (from the river Putumayo to Pasto). In many of the rivers, which at that time were unknown, to-day there are hundreds of steamers, which carry industries and civilization to the virgin forests where the savage cannibal wandered formerly. The exportation which is today made by those rivers, only of rubber (caucho), which grows wild in the forests, is worth more than twenty million dollars in gold. In those forests there grows in abundance the wild cocoa, which is now exported in considerable quantity, and all classes of fine woods and medicinal



plants are also abundant. Game of all kinds is found; in its waters Professor Agassiz classified more than five hundred species of fish, which form a very important trade.

“The extension of the territory that these rivers irrigate is more than 4,000,000 square miles, which are still to-day virgin soil, and which are offered to commerce and to human industry.”

In the printed report of this speech, and attached to the minutes of the same day, a detailed statement of the navigable rivers is made, showing that there are approximately fifteen thousand miles suitable for steam navigation, three thousand for ocean steamers, and twelve thousand for river boats, such as are used on the Mississippi.

General Reyes then suggested to the Congress that he thought it would be proper to ask the different Governments:

“1. That they declare the navigation of said rivers free for all the flags of the world, subject to the provisions of the custom-house regulations of each country; and

“2. That they assist the enterprise of the Inter-Continental Railway, with liberal grants of the vacant lands and mines of the region referred to, which in their larger part are entirely unknown at the present time, and consequently are without any value.

“This, Mr. President,” concluded he, “is the work which in the name of the delegation of Colombia, I

respectfully offer to the Conference which is engaged in the consideration of the destinies of America; it has no other merit than that of the constancy with which it was realized, of the personal disinterestedness and the ardent desire to further the welfare and progress of our Continent."

At the conclusion of his remarks, General Reyes was vigorously applauded, and many of the Delegates went over to his desk and shook his hand.

Mr. Davis, of the United States, heartily congratulated him, and thanked him for the important information he had given in conjunction with the Pan-American Railway.

The Chair then ruled that it seemed advisable to appoint a special committee to consider this very important report. The Hon Delegates Augusto Matte, Alfredo Chavero, William I. Buchanan, M. Alvarez Calderón, Lorenzo Anadón, M. M. Galavis, Luis F. Carbo, Juan Cuestas, Cecilio Baez, Fernando E. Guachalla and Rafael Reyes were named as a special committee. General Reyes demurred somewhat from accepting this appointment, as it was to consider his own work, but later consented, it being explained to him that it was the desire of the majority that all countries directly interested in this work should have a representation on the committee, he being the only Delegate of Colombia at the moment.

On January, 30, 1902, at the thirty-eighth session, the above special committee reported that the dele-

gations from Argentine, Bolivia, Colombia, Ecuador, Peru, Paraguay and Uruguay had signed a convention for the holding of a Geographical Congress at Rio Janeiro, whose principal object will be to consider the communication of the three great South American hydrographic river basins, the meeting to be held within a year. "The Government of the Argentine Republic is entrusted with the mission of negotiating with the Government of Brazil for its consent and co-operation, which are necessary in order to hold said Conference."

The report of the committee proper reviews at great length the valuable work of the Reyes brothers. After referring to the exploration of the river Putumayo, it states:

"Messrs. Reyes ascended that river, first in canoes, and later took steamers along its whole course, turning over in that manner to civilization and commerce a vast zone, full of natural wealth of all classes. Had they done nothing else, that work itself would prove to be sufficient to entitle them to high encomium."

The committee further made mention of the fact that it was informed that a publication on a large scale would be issued, to contain the most complete data of the fluvial regions of South America and its natural products, which they believed would be of great value in assisting the riparian nations to establish enlarged interior navigation. The following resolution was unanimously passed:



"First. To give a vote of thanks to General Reyes for his explorations;

"Second. To recommend to the Governments interested to protect and make known in every possible manner the aforesaid geographical publication."

A further resolution was approved in the same fashion to the effect that, the Delegates who accept this proposal shall dedicate to the explorers, Nestor and Enrique Reyes, a memorial tablet, which is to be laid on their grave with the following inscription:

"The Delegates to the Second American Conference, assembled in Mexico, in 1901-1902, to Nestor and Enrique Reyes, who died serving the civilization of America."

"2d. That the Government of Colombia deign to accept the request to lay said tablet."

General Reyes, deeply moved by these tributes to the "glorious dead," expressed his gratitude to the Congress. He believed that the projected meeting at Rio Janeiro would have a most important task to consider, and not a chimera. The time had come to earnestly study the communication of the three great hydrographic basins of South America, which when done will be of practical effective commercial benefit to the majority of the South American nations, and to all indirectly.



## CHAPTER XXIX.

### THE CLOSING SESSION.

The formal closing of the meetings of the Congress took place on the afternoon of the 31st of January, 1902. At this occasion the families of the Delegates and their friends were permitted within the hitherto sacred precincts of the Hall of Sessions, as a graceful compliment to the faithful helpmates of the Delegates, many of whom had been capable assistants, and deeply interested both in the personal triumphs of their husbands and in the final success of the Congress. Chairs were placed along the aisles and in every nook and corner. The hall soon filled with a gay, expectant and somewhat awe-struck audience, impressed with the solemnity of the occasion.

After the reading of the minutes of the previous day's session, Mr. Alvarez Calderón moved that "a vote of thanks be tendered to the national and foreign press for the interest which it has manifested in the work of the Conference, having thus acted as the interpreter of its sentiments with the American Governments and the entire world." This motion was taken into immediate consideration, and unanimously approved.

A congratulatory cable was read from Secretary of State John Hay, directed to Mr. William I. Buchanan, saying:

"Please express to the President and members of the Conference and to the Mexican Government the gratification of the Government of the United States that the Conference has manifested so marked a spirit of friendly co-operation for the well-being of the American republics, and offer congratulations for the successful results of its efforts.—(Signed)

"JOHN HAY."

The Chair ordered that the said cable be transmitted to the Department of Foreign Affairs of Mexico, and that the following cable be sent to Mr. John Hay:

*"To Hon. John Hay, Secretary of State, Washington, D. C.*

"The Conference is cordially thankful for the congratulations of the United States Government, and is pleased to acknowledge the important co-operation of the American delegation in securing the successful termination of the Conference.—(Signed) GENARO RAIGOSA."

Following this, Mr. Ignacio Mariscal, Secretary of State of Mexico, was escorted to the chair. He addressed the Delegates, and said, in part:

*"Messrs. Delegates:* Overcoming the most serious difficulties and belying the dismal prophecies of pessimists or secret enemies, you have successfully reached the goal of your labors, and throughout your discussions and in all your acts, notwithstand-

ing the contrariety of your views and aspirations on given subjects you have displayed the distinguished courtesy that was to be expected from the chosen representatives of the Governments of America. Without sacrificing the varying interests of your respective nations, you have succeeded in finding the points as to which an agreement was possible, while other points have been touched by you without intemperate harshness or offensive allusions, which if they ever rose to the surface of your debates, were straightway nobly repaired or deferentially explained away. Receive on this account the cordial felicitations of the Mexican Government.

“ But more than this you have done. For reasons still more momentous you deserve the congratulations, not only of the Mexican Government, but of all lovers of moral progress and justice. You have advanced, in practice, the great principle of arbitration, of the peaceful and rational solution of international controversies, so as to render less frequent the barbarous appeal to force, which, sanctioned in the middle ages by the name of ‘the judgment of God’ as a means of settling disputes between individuals, though now repudiated in the most enlightened nations as immoral and absurd, still, unfortunately, continues to be the recognized method of deciding the quarrels of nations. And one of the worst effects of this aberration is that even nations that are lovers of peace and justice find themselves under the unavoidable necessity of also holding themselves



in readiness for an armed conflict, by virtue of their unquestioned right to resist and repel force by force."

The distinguished speaker then briefly reviewed the work of the Congress, mentioning the measures approved, and closed this able address as follows:

"History, gentlemen, will do justice to the intentions of each one of the Delegates assembled in this memorable Conference. It will also assign its just value to the policies of the several Governments which entrusted you with their representation, and to the instructions by which your conduct was guided. The accounts, that have been and will continue to be published in regard to you, with a fullness characteristic of our times, will place at the disposal of history the necessary factors for uttering her irrevocable verdict. For the time being, our duty is but to respect the independent volition of each Government, and to recognize that its decisions have been inspired by the great national interests of which it is the guardian, and of which it, and it alone, is the judge.

"Let us congratulate ourselves on the fact that this Conference, in spite of its extremely delicate mission, has given rise to no conflicts in the true sense of the word. If at times, its debates were heated, if threatening clouds at moments darkened your horizon, they were soon dispelled by the potent influence of reason to which you have all done homage, and now your labors have come to an end



in the midst of serenity and peace; nay even of effusiveness, taking shape in acts of justice, as are the tributes you have paid to persons of unquestioned merit, or to South American heroes, who have sacrificed their ease to their love of science and country, and of whom one, the sole survivor, is now in our midst. We may well say with the English poet, 'All's well that ends well.'

"The Mexican Government experiences the sincerest satisfaction on that account. Devoid of selfish interests, with no other object or aspiration than the success of the great aims of the Conference and the increased welfare and honor of the nations of America, it has labored assiduously, through its delegation, to bring about an agreement among the enlightened members of this assembly as to the principal questions discussed. In the end, that agreement, as far as was practicable, was attained, and it produced at once the most gratifying results. Mexico feels satisfied, for she had sought no other reward for her efforts.

"And now, Messrs. Delegates, that you are on the point of departing from this city and from the territory of the republic, allow me, in conclusion, to express a wish that comes from my heart and rises spontaneously to my lips: It is that when you return to your homes, when you tread once more your native soil to enjoy the felicity to which your merits entitle you, you will entertain toward Mexico a memory as kindly and fraternal as she will

preserve of you. And may the souvenir thus evoked, mingling with your realization of the aims for which this Conference was convened, serve to confirm and strengthen your love of peace, fraternity and justice, and may those sentiments, placed at the service of your several nations, guide their policies, making them happy in themselves and happy in the reflected happiness of all their sister republics, whether great or small.”\*

Then, after a momentary pause, the speaker said:

“In the name of the President of the United States of Mexico, I hereby declare the sessions of the second period of the Second International Conference as closed.”

The Congress was no more; the work done. It seemed like bidding farewell to an old friend forever. No more should we hear the musical speech of the secretaries reading those enlivening minutes, nor the guiding voice of the Chair; nor strain our aural organs to hear Bermejo's low tones, telling us all about international law. The impassioned pleading and the torrents of eloquence from the mouth of Walker Martínez would never be heard in this hall again, and the calm, judicial words of Blest Gana, Alzamora, Buchanan, Lazo Arriaga, Calvo, Bello and Leonard, weighted and always interesting, may not be heard again in these Congresses. The solid and practical reasoning of Matte, Davis, Pepper and Reyes are to be but a pleasant and instructive memory. What will become of the tear-

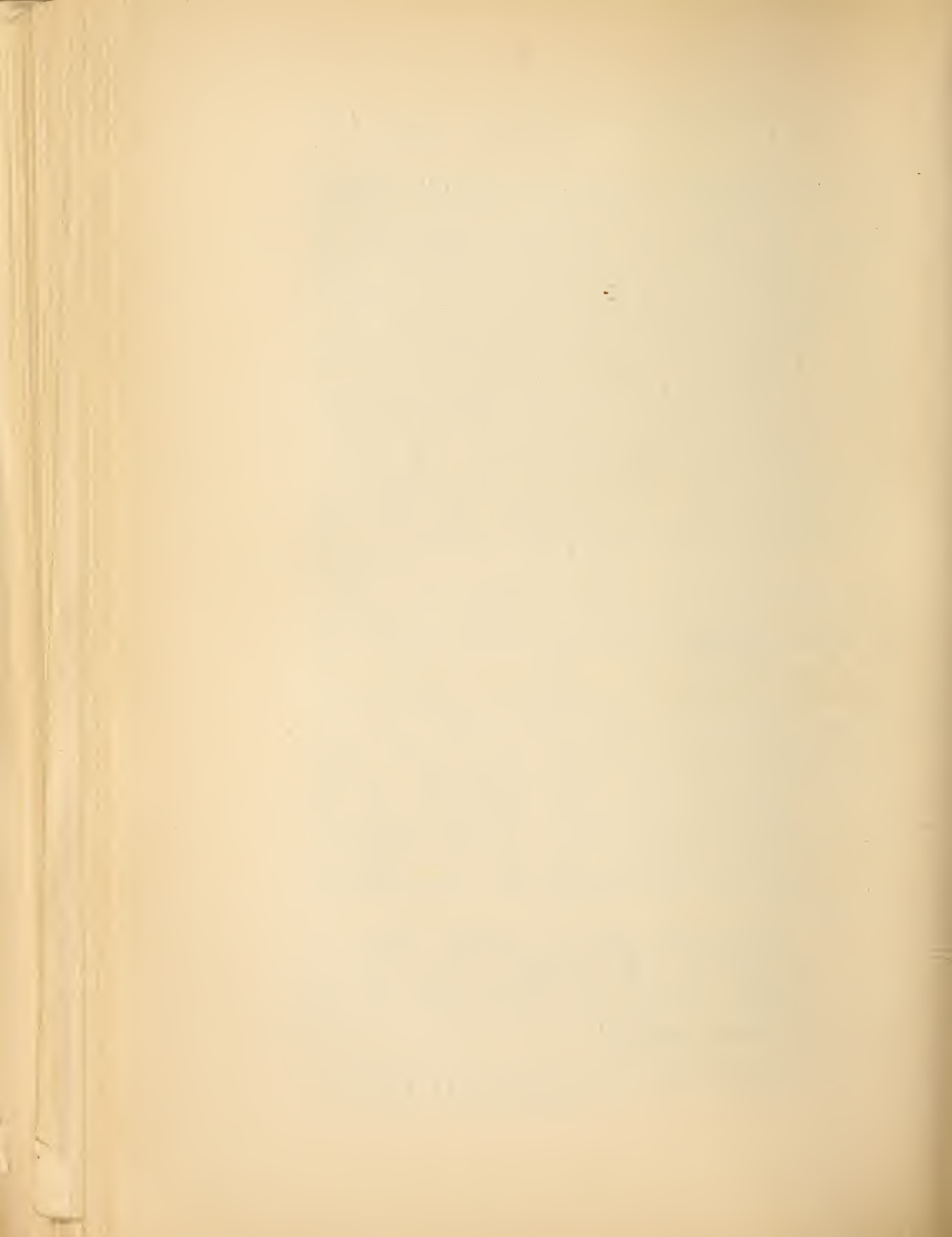
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\*From the official minutes.

ful and insinuating eloquence of Foster, in contrast to the vigorous and impressive words of Barrett? Where will Carbo take his happy inspirations for most thoughtful and appropriate resolutions? Who were better able to find flaws than our great objectors Leger and Guachalla, the watchdogs of the Congress. I fear this General Reyes will not tell us again, in that hall, of daring explorations, nor rouse our interest in the great waterways of South America. I don't think that Baez will ever have the opportunity of being instigated to give another so-called literary essay on arbitration. We shall miss the masterly executive ability and erudition of Casasús, as well as the Tabascan humor of Sánchez Mármol; the archaeological learning of Chavero; the keen reasoning of Macedo, or the sound law of de la Barra and Pineda. I gave a last look at the place where a handful of earnest men had been discussing questions of such vital interest to future generations. Will they be able to grasp the difficulties incurred in providing legislation for the present and the distant future? Do we realize the efforts of our forefathers to provide for our present well being? But, as Mariscal said, in his closing remarks:

“For to undertake great and difficult things, to strive bravely for their realization; nay, even to have earnestly desired them, are in themselves just claims to commendation.”

*“IN MAGNIS ET VOLUISSE SAT EST.”*

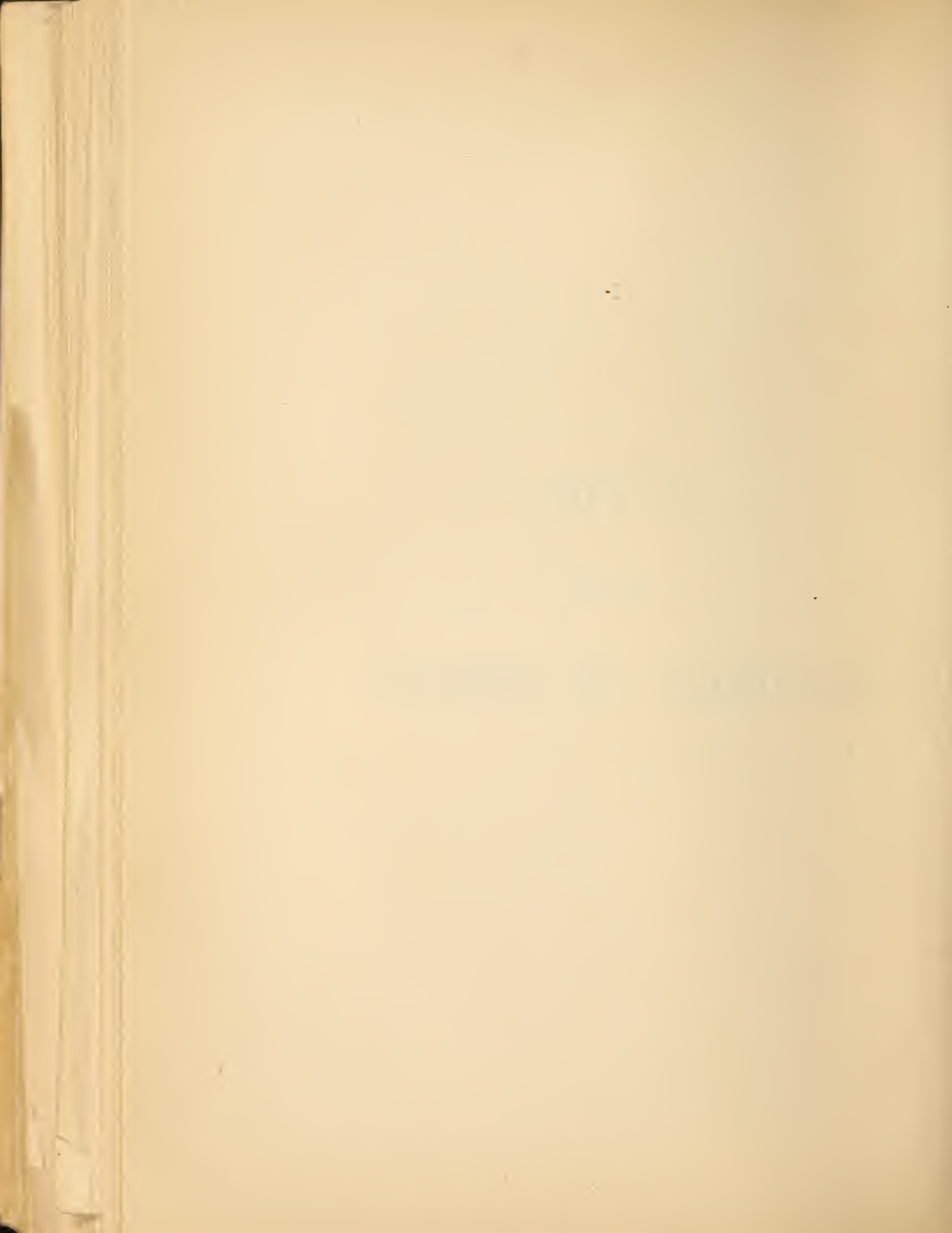




NOTES

ON THE

REPUBLIC OF MEXICO



## NOTES ON THE REPUBLIC OF MEXICO.

### MODERN MEXICO.

On returning from Mexico, I was bombarded by a series of armor-piercing missiles in the form of numerous keen inquiries concerning that country, such as only a Yankee or a Wu can propound.

To answer these to the best of my ability, I have attached to this Review of the Congress a few notes of the land wherein that meeting was held, waving aside all statistics and data, to be found in any work of reference.

### PEOPLE AND CUSTOMS.

I found the Mexicans a courteous and considerate people, proud, patriotic and sad. The last trait is particularly noticeable to the visitor who knows anything of the various Latin-American countries and their inhabitants. While the negro sings the Indian is silent, and there being a great deal of the latter race in the composite of the Mexican of to-day, and no negro, we note a sad and silent people, expansive only among intimate friends, or "*en el calor del hogar*" ("in the warmth of the home"). In the cities, pueblos, or fields, one hears no joyous song, no light-hearted melody like the *barcarolle* of a Venetian gondolier, or the quaint minors of the cotton-picking darkies, or the negroes in the Cuban

sugar-fields. This national trait has its exceptions, and varies in accordance with the degree of culture; for the Mexican military bands have a worldwide reputation, and the cultivated musical taste of the higher classes is a matter of renown. I mention this, however, as one of the chief characteristics of the Mexicans as a people. I have talked with Mexicans on the subject, many of whom are of the belief that steps should be taken to create a popular taste for song. In talking with Urbina, the poet and musical critic of *El Imparcial*, who is proud of his marked Indian characteristics, the truth of my observations was confirmed.

The heterogeneous elements composing the Mexican of today make it nearly impossible to outline his traits with precision. Anything that may be said of his character or temperament is subject to numerous exceptions. There is but one absolute and undeniable fact that is to everyone apparent, namely, that the Mexican of today belongs to that great race broadly known as the Latin. When he is not an Indian, pure and simple, he is a European. His religion, his conduct of business or pleasure, his food, his clothes, and manners, all bespeak the trend of his mind and the inclination of his heart. Of course, the Spanish conquerors left their indelible impress, to be found chiefly in the present laws and general customs of the land; but the Mexican above the peon, or laboring, class is not merely a transplanted type of Spaniard; he is more than



that; he is a Latin. By this word we distinguish him clearly from his brother of the North, who is somewhat vaguely classed as an Anglo-Saxon. Sociologists tell us that these distinctions are not scientific, and that such sharp lines are impossible; but the traveler and observer must note on this side of the Atlantic the positive existence of those two widely different civilizations.

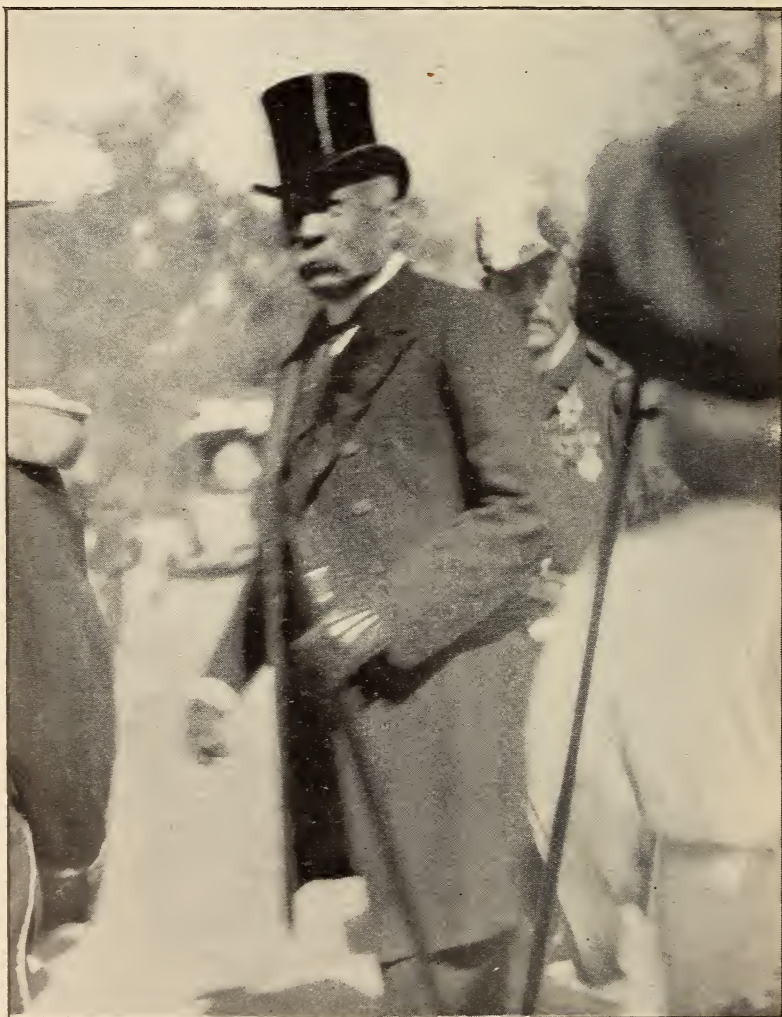
As man is subservient to climatic conditions, and influenced by his surroundings, so does the Mexican peon, living in a land where every climate exists, exhibit different traits and degrees of intelligence and culture. In general, he is patient, industrious and stoical; not very ambitious, nor fearful of the morrow, and, like his ancestors, has an Oriental indifference to physical pain. He lives chiefly on corn, plantains and fruits. Meat is a luxury, and his drink is either pulque or mescal. In many regions of Mexico he has been found to be an apt pupil in the handling of machinery for various uses, and, while he readily learns how to use modern tools, he manifests a lingering affection for the obsolete methods of his forefathers.

Broadly speaking, unskilled labor is cheap and plentiful, though there have been specific instances when it has been found necessary to import this class of toilers from other lands. The average daily wage is about 25 cents silver. This statement should serve as a warning for ambitious, but misguided citizens of the United States, who will drift

into Mexico, feeling that, as a last resort, should fortune not smile upon them, they can get a "job" somehow. With skilled labor it is somewhat different, and, while there is a considerable demand at times, especially in the northern part of the country, for this class, the native wage is surely no temptation to a foreigner.

There is no middle class in Mexico worthy of mention. That species described to us by historians and political demagogues as "the sturdy class from which springs the wealth of the nations," is hard to find. There are the usual degrees of wealth, social standing and position among the higher classes; but in making a study of Mexican social conditions we can only recognize two classes—the "*gente decente*," which does not admit of literal translation, meaning, however, the cultivated people, and the peons. It is hardly necessary to explain this apparent phenomenon if the conditions which governed the evolution of Mexico from a Spanish dependency into a free country are taken into account. Then existed only the ruling classes and the toilers, descendants of a conquered and enslaved race. When national freedom came it did not mean an unrestricted democracy, for the many revolutions that followed the acquisition of independence were not generally the outburst of a people longing for imaginary individual rights, but, rather, the quarrels of ambitious chieftains, craving power and riches. The apathetic and stoical nature of the Indian did not lead him to





SNAPSHOT OF PRESIDENT DIAZ.

Photo by the Author



take a very great interest in the social revolution which at the time was occurring in the other emancipated Spanish colonies. He stayed on the hacienda, served and fought for his "patron," as his forefathers had done before him.

Since Mexico has been blessed by the firm and enlightened government of Diaz, the "good" Dictator, as I have heard him called often by his countrymen, primary and manual instruction has been established in a practical fashion, and, no doubt, in time the masses will reach a similar degree of self-sufficiency to that of any other enlightened country. It is, indeed, best for the happiness and prosperity of Mexico that the social evolution shall be gradual. The educated classes are deeply interested in the welfare of the people, because they know that they are dependent upon the producing element for their personal well-being, as well as for the general prosperity of the nation. Beyond these purely selfish motives, I have always found in conversing with public men, that they were earnestly desirous of leading that great mass of laborious and patient Indians into the most apt ways for the advancement of the latter's economic and social condition.

The politeness of the Mexican is proverbial. The public man, merchant, artisan, or peon is always affable and courteous in intercourse with his fellows or toward strangers. It is a genuine, innate feeling, not to be likened to the class servility so often found in Europe, nor to that unctious politeness of insincerity

and deceit. In Mexico there is no excuse for rudeness; it is never condoned, and is the worst social fault. Other mistakes are overlooked perhaps greater; but to be boorish, either in public or private, is a serious error, and eventually brings social ostracism. The niceties of social intercourse are highly prized. No rush of business or haste will induce the average Mexican to forget himself, and to neglect the appropriate greetings and salutations.

Hospitality is another commendable trait of the Mexican character. One must visit the interior provinces in order to fully realize the cordiality and heartiness of the Mexican host. It is sometimes carried to exaggeration, with the best intentions in the world, and the stranger, especially if he be a blunt Yankee, is liable to give offense by neglecting some point of etiquette of, to him, trifling importance. However, Mexicans are fast understanding the ethics of our own code of colorless manners, realizing that their very awkwardness vouches for their sincerity.

The family ties in Mexico are very strong. The generous disposition, pride and traditions, as well as his religion, leads the native of all social grades to provide to the best of his ability for those relatives upon whom Dame Fortune may not have smiled. It is no unusual thing to see numerous relatives sheltered beneath the ample roof and sharing the board of the most prosperous of them, although he, perhaps, may be struggling nobly, and

forsaking the possible accumulation of wealth, to follow the dictates of his heart and the teachings of his church. Many of those he shelters have often but small claim upon him, and sometimes abuse his goodness.

In Mexico, as in all the Latin-American countries, the old patriarchal fashion is still maintained in the home life. Often several generations live peaceably under one roof, constituting a most happy family. The elders are consulted upon all important family matters, and treated with reverential affection. It is touching to see the children and even the grown folks kneel before the venerable grandparents and ask for the daily blessing. What a lesson for us! And yet we are told that there is no word in any foreign tongue that corresponds to our word "home." Have we many such homes? Let us recall the missionaries from barbaric lands, and send them to Mexico for the study of an object-lesson of the vital principles of human happiness and true Christian doctrine.

Another very noticeable feature of the Mexican character is the good faith in business transactions. They may be versed in all those tricks which are the weapons of offense and defense in our well-regulated game of securing from each other what we can of this world's goods, or to drive a hard bargain; but their pledged word is, as a rule, sacred. This refers especially to the better classes. As to the peon his standard of business honesty has very



little chance of exhibition on account of his dependence upon a daily wage.

The advent of many strangers and the foreign commercial invasions have made many changes in Old Mexico. The whistle of the locomotive, which followed the daring American railroader in his long trail through the deserts of Northern Mexico to reach more fertile lands, has frightened the burro trains and awakened the nation from the sleep of centuries. The "*diligencias*" do not depart now from the patio of the Hotel Iturbide, and the historic bandits that held them up are gone to the long sleep. It cannot be regretted, for, though the dreamer may sigh, and the artist and writer complain of lack of "local color," the people are being benefited in many ways, materially and morally.

The *Mexican Herald*, however, draws a most vivid pen picture of these bygone days, casting a regretful look which appeals strongly to the imagination. It says:

*The Charm of Old Mexico.*

"To most of us, grinding and toiling in the huge factory which an imperfect civilization calls a palace of progress, in reality an edifice resounding with the clank of machinery, the irksome tinkling of telephone bells, and the racket of typewriters, it seems almost incredible that there really does exist a fairer and more delightful world outside, that great, sunny, cheerful Mexico, which, as time goes on and the din and hurry augment, recedes before our mental gaze.



"Not so many years ago, this ancient city was filled with something of the charm of the Middle Ages; no one hurried, life had a broad margin of leisure; all had 'time' to gather the flower of pleasure by the roadside of existence. True, our streets were badly paved, the drainage was most unscientific, mails were not any too punctual, and to go far from the Capital involved journeys somewhat perilous, and always romantic.

"To find that lost charm one must now visit the interior cities, and, above all, the smaller ones, where Mexico holds still to the pleasant ways and the unhasting pace which are so in contrast with the rapid commercialism of these new times. Old foreign residents of this city will, almost to a man, tell you that while there is vastly more 'business,' more security, better furniture, and more people wearing modern clothes, that, somehow, something has departed, a something that made life very agreeable.

"What has been lost is the characteristic features of Moro-Spanish civilization, a ripened product, mature with long centuries of formation. The apostles of progress, wearing knitted brows, their eyes always peering into some future of calculation, will deride all this as 'rubbish!' But they are wrong; we have gained many doubtful things; we move faster; life has more pressing occupations; there is a growing hurry, much more social show, but far less enjoyment.

"The Old Mexico was comfortable, enchanting; under the arcades of the cities one felt the charm of Spain—vast and sunlit plazas where people idly talked; great stone mansions, with balconies haunted by las damas, an air of careless leisure, happiness and *dolce far niente*. For all these things one must now go into the remoter towns. They, too, are menaced by the crashing car of progress; the clangor of its harsh gong is heard as it advances, and people are told to make ready for the great change which is to efface all that is characteristically Mexican. We are to be transformed, made nervous, pushed into the dollar-chase, and all things are to be tested by the standard, 'Does this pay?'

"The hurrying crowd will eventually be tamed; the climate, the sun which is the master-magician, will make over the new conquistadores. They will have to submit to nature, and, warned by formidable nervous diseases, consent to relax. The spectacle of cities like Chicago and New York, where millions of the unsuccessful find the game of competition hateful, is not encouraging. It is not the sort of civilization which suits these southern lands. It cannot long endure when transplanted here.

"So there is hope that what is essential to happiness in these lands will be saved; that the new Goths and Vandals will be subdued, will feel the spell of an old civilization, and consent to be happy as men should be in a world where nothing good lasts too long."

## THE GOVERNMENT.

That Mexico is well and ably governed is a matter of public knowledge. The press of the United States has often referred to her peace and prosperity, and to the admirable manner in which the resources of the country have been developed during recent years. For this two logical reasons have been given. One is the strong guiding hand of Diaz, and the other is that the people are too busily engaged in commercial pursuits to think of revolutions, which are generally born amid dissatisfaction and financial depression. The second reason is dependent on the first, and, therefore, the real cause of Mexico's peace is due to the powerful brain and will-power of Porfirio Diaz, and to the ability of the men he has surrounded himself with. Forceful, and at times arbitrary, by necessity, he has accomplished his purpose to the benefit of his country, and the verdict of the world has been "Well done." The life history of Diaz is known to every schoolboy, and the result of his work familiar to all.

He followed the noble work of Juarez, who with his reform laws forever separated church and state, and of others, and he accomplished what had been their ideal, and taking as his foundation a vast and rich land, with a leaderless and apathetic people, living in the traditions of the past, and struggling for years in the mire of petty strife, he moulded a great nation. Defeating the enemies of peace and progress, he selected the ablest men he knew, without



consideration of political parties, and bade them join him in the work of the country's regeneration. With them and with his victorious and faithful companions, he labored for many years to revive the national life and restore its credit abroad.

The appearance of Mexico's President is in harmony with his work. The poise of his head, the commanding look, the strong features and the resonant voice proclaim him a man of action. His vigorous and convincing delivery of speech; his terse and always appropriate words, and all his public acts show that he is a statesman as well as a soldier.

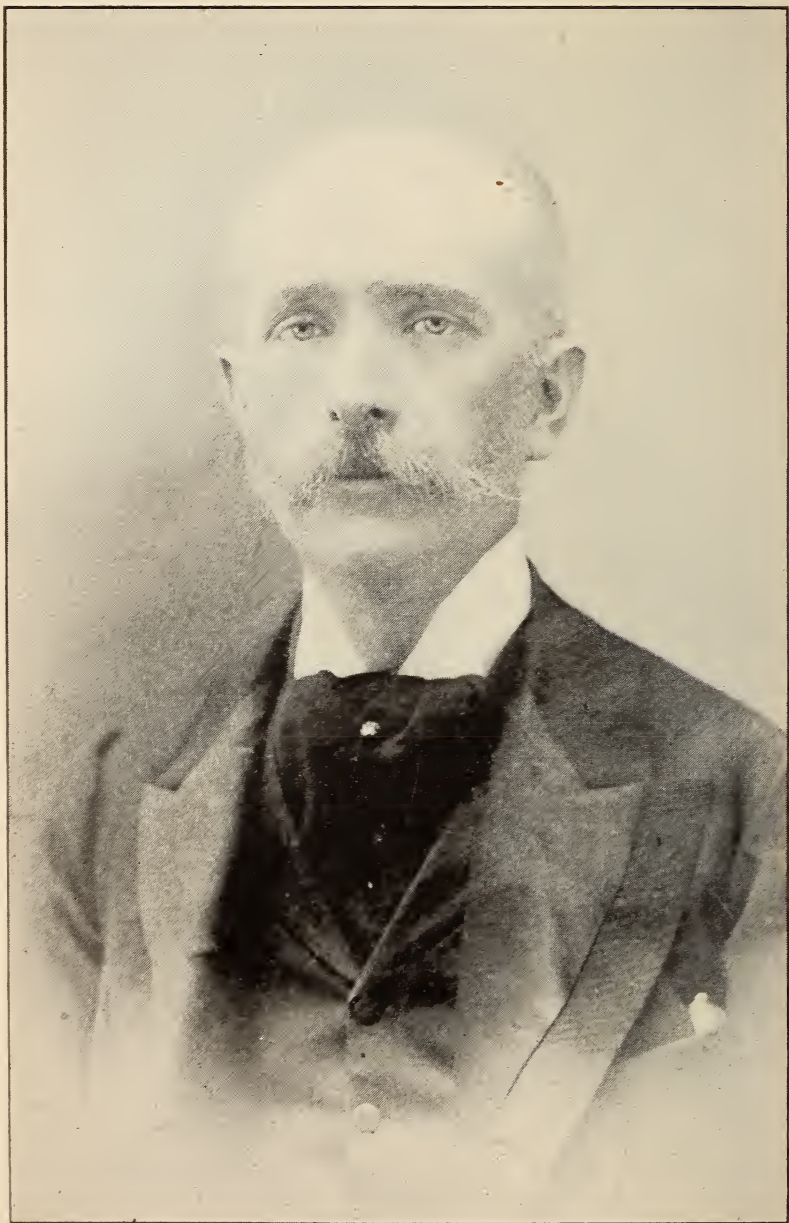
It is difficult to believe that Diaz is over seventy years old. He today takes as much interest in the public business as he has done for years, and works harder than many of his subordinates. We can only wish that there were more like he among our southern neighbors; such beneficial dictatorship would be a blessing.

Three other prominent Mexicans—Mariscal, Limantour and Reyes—have especially distinguished themselves in the awakening of the nation.

Señor Ignacio Mariscal, Secretary of State and of Foreign Affairs, is a statesman of worldwide reputation and a famous scholar. He has for many years guided the sometimes stormy diplomatic intercourse with other nations. One of the signers of the Mexican Constitution which is in vigor today, he fought with Juarez, and when peace was restored entered upon a long and brilliant diplomatic career.







HON. JOSÉ IVES LIMANTOUR.  
MEXICAN MINISTER OF FINANCE.

During the French occupation he was Chargé d'Affaires at Washington. For the last twenty years he has been at the head of the Foreign Office, and has, among many noteworthy acts, established renewed friendly relations with France, England and Austria.

Señor José Ives Limantour, the present Minister of Finance, is one of the creators of Mexico's prosperous condition. A master of political economy, he refunded various debts at a lower interest, and has established a splendid credit abroad. He has not only earned the gratitude of his countrymen for having increased their worldly possessions, but also that of the heretofore long-suffering bondholders abroad. He modified and reformed the national budget, and, notwithstanding the silver crisis, he has been able of recent years to obtain a surplus of several millions. It is reported that he will succeed to the Presidency.

General Bernardo Reyes, Minister of War, is, perhaps, after Diaz, the ablest military leader and organizer in Mexico. The latter recognized his talents in the science of war, and made him his military right hand. In collaboration with his chief, Reyes has instituted important reforms in both branches of the service. Of late years he has often been mentioned as one of the candidates for the Presidency, when Diaz should decide to retire.

On this subject, however, the authoritative *Modern Mexico* says in its issue of April, 1902:

"It is not often that there is news of Mexican high

politics worthy of serious discussion. General Diaz's policy of 'little politics and much administration' has often been so consistently carried out in this country for the last quarter of a century that the country at large has been content to devote itself to matters of material progress. The recent announcement from General Reyes, the present Minister of War, in the Diaz Cabinet, that he would be an active supporter of Secretary Limantour, who holds the Treasury portfolio, in case of the retirement of President Diaz, is a matter for sincere congratulation among all people and interests that desire to see the present conditions in Mexico continue uninterrupted. It has long been generally conceded that the choice of a successor to the present illustrious warrior-statesman, who has so successfully shaped the destinies of Mexico, would fall between these two men. The Government of Mexico was for such a great period practically a military government, and the masses of the people are still so far removed from a stage of enlightenment that would admit of their fully appreciating republican institutions, that the continued need of a strong military man in the seat of power has often been argued. Thus it has been that there have quietly grown during recent years two more or less clearly defined parties in Mexico—those favoring the succession of Limantour, in case of the retirement of President Diaz, and the other supporting General Reyes. Both men have rendered their country con-







GENERAL BERNARDO REYES,  
MEXICAN MINISTER OF WAR.

Photos by Schlattman Bros., Mexico City.

spicuous services in different lines. The patriotic decision of the Minister of War shown in the announcement that his influence and support will be given in favor of Secretary Limantour for the next President of Mexico amounts to an assurance that present policies will be maintained unaltered, should General Diaz decide to relinquish the helm. The succession to the Presidency of Señor Limantour, supported by General Reyes, would be a guarantee that Mexico's progress would continue without a break. All interests here favor the continuance of General Diaz at the head of the nation as long as he can be induced to remain there; but, realizing that, in the nature of things, a change must be effected before many years, it is very gratifying to see the patriotic spirit in which favorite sons of the nation can agree, at so early a date, upon a harmonious policy that will preclude all possibility of a return to even an approximation of the ancient days of internal strife."

All patriotic and far-sighted Mexicans realize the need of standing united on the subject of a successor to the President. It is conceded that the establishment of sharply-drawn political parties might lead to a renewal of internecine strife. Peace and a "paternal" Government are preferred to a utopic democracy, with its attendant revolutions.

Another able Mexican statesman, very popular in the United States, is Señor Manuel de Azpiroz, who, since the death of the lamented Matías Romero, has



been the Mexican Ambassador at Washington. As a soldier under Juarez he fought the usurping French. A jurist, he was for some years professor of law at the university of his native city, Puebla; and as a lawyer he has been identified with a number of important cases, notably as agent of his Government before the United States and Mexican Mixed Claims Commission in 1872. Today he is rendering valuable service to his country in maintaining the friendly relations between the two republics of North America.

#### RESOURCES.

Mexico as a partially developed country offers many chances for capital and energy in connection with her mineral and agricultural resources, in the manufacture of articles of general necessity, and the construction of railways and other means of transportation and communication.

For centuries this country has been known as a land of great mineral wealth. As of Peru, we have since childhood days read wonderful tales, many true, of the riches that have been dug, in primitive fashion, out of the soil. Today there are a number of companies not only locating and exploiting new mines, but that are, by the utilization of modern mechanical and chemical processes, reopening those long since abandoned as unproductive.

Many millions have been invested in tropical agriculture, especially by American capitalists. Coffee,







HON. MANUEL DE AZPIROZ.  
MEXICAN AMBASSADOR TO THE UNITED STATES.

Photo by Prince, Washington.

rubber, pineapples, sugar-cane, bananas, vanilla beans, and other tropical products of the soil are now being cultivated in a scientific fashion in many parts of Mexico. A number of companies have been formed in the United States, where most of the shares have been disposed of. There is every prospect of success for the conservative and responsible concerns engaged in this business, though I cannot refrain from a word of warning toward several "wild-cat" schemes of a speculative and even fraudulent nature which are harming a legitimate industry. The prospective investor should make careful inquiries as to the veracity of the claims set forth in many an artistically printed prospectus.

Mexico is not a manufacturing country. Of late, however, the ratio of silver to gold has made it feasible and profitable, when the raw material was obtainable, to manufacture at home for local consumption chiefly. To import at gold prices and to sell for silver placed a number of articles of primary need beyond average reach.

This natural protection wall has been the cause of the establishment of a number of cotton mills, manufacturing principally "manta," a coarse, unbleached cotton fabric, which is about the only material used for clothing by about two-thirds of the inhabitants. There are over a hundred mills, large and small, giving employment in factory and field to about fifty thousand families. I visited the Rio Blanco mills, at Orizaba. One of them is said to be the largest

complete mill under one roof in the world, from the raw cotton to the finished printed product, and making the coarsest and finest goods. It is under the direction of an expert from Manchester, who told me that the native labor is very apt. In contrast to the workmen of other countries, they readily learn to operate the various different machines in the several departments of the establishment.

A number of factories manufacture the "rebozo," an article for women, serving both as a shawl and scarf. Zarapes or blankets, used as cloaks by the men, as well as knit goods, are made in limited quantities.

Several large breweries, on American lines, making an excellent beer, are to be found in various parts of Mexico. Tobacco of a very good grade is raised, and there are a number of large cigar and cigarette factories. A number of flour mills only partly supply the national demand, as well as several iron foundries, and a number of divers smaller industries to meet local requirements.

Though manufacturing is not yet in a highly developed state, the imported articles of daily need are so exorbitant in price that in time Mexico will be forced to manufacture, at least for her own requirements, and this will be hastened if silver continues in its depreciation.

#### AMERICANS IN MEXICO.

The old adage of "Distance lends enchantment, etc.," may be aptly used in referring to the oppor-







INDIAN AT MODERN MACHINERY.

Photo by the Author.

tunities for "Young America" in the land of Montezuma and Cortés, where "the sun shines perennially, life a happy dream, and riches and pleasure are within easy reach." Stern facts attest, however, that in Mexico, as elsewhere on this earth, ability, industry and perseverance play a leading and indispensable part.

The formation of the large industrial combinations in the United States known as "Trusts" is fast paralyzing the efforts of the small trader and independent producer, who is looking longingly toward the southern lands of this hemisphere where he may accumulate a fortune, or at least earn a competency. He hesitates to go abroad, not knowing the language or the customs, and fears to risk his capital. Many ambitious young men, who find no business opportunities open for those of limited patrimony, are also desirous of emigrating where they may establish a small business, and, after some years of toil, reap the reward of their industry.

It is a risky thing to give advice in the premises. A few general suggestions can, however, be made which will govern all cases. There are three important requisites which are essential if one would succeed in any Spanish-American country—a nodding acquaintance with the Castilian tongue, some capital, and the necessary business qualifications. As to the first, one need not be a purist, but a "working" knowledge of the language will be found indispensable. Referring to the second, it is of vital



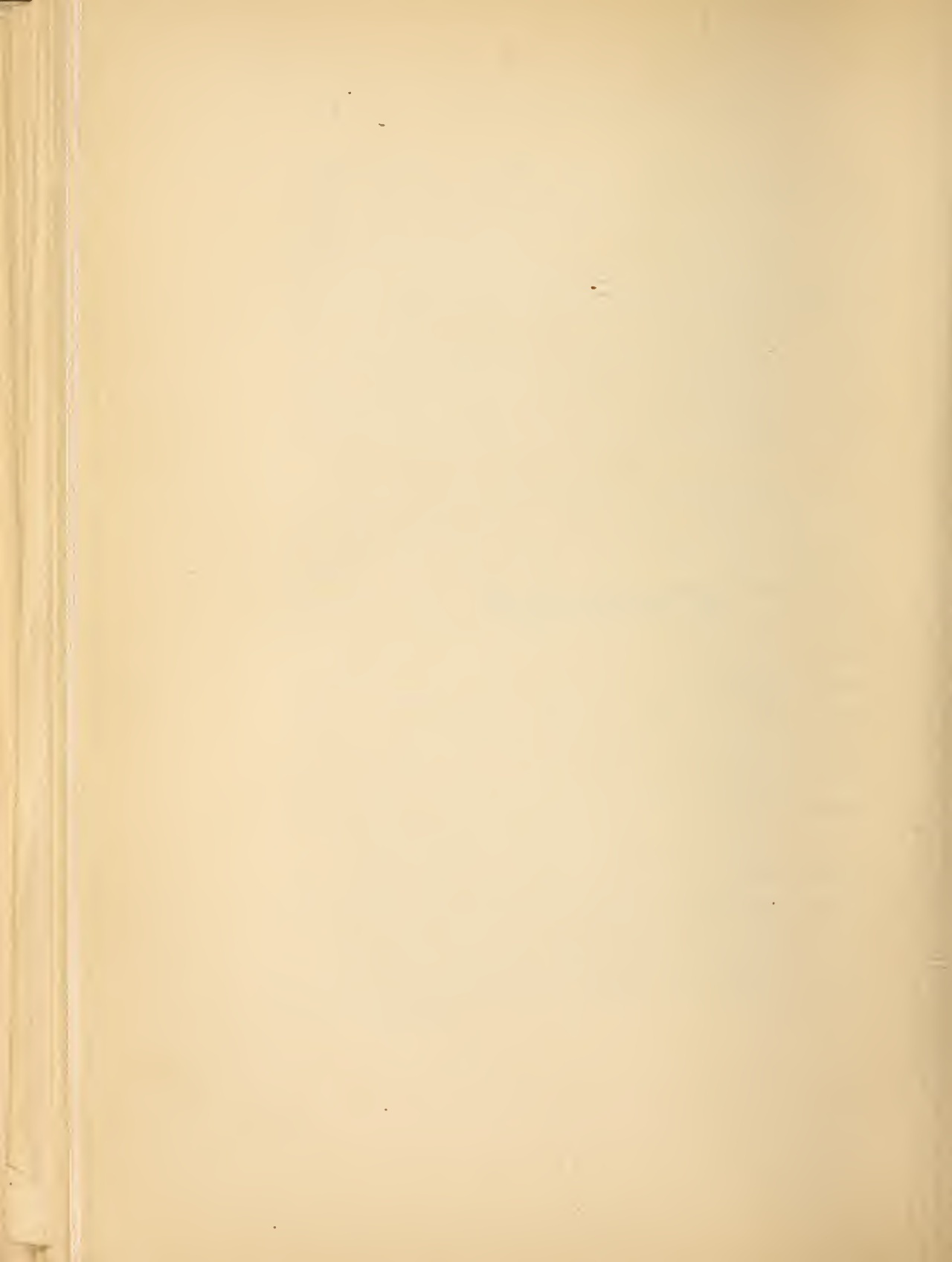
importance to realize that Latin-American countries, and especially Mexico, are not a poor man's land, nor a paradise for professional men. Two things abound there, namely, unskilled labor of the lowest class, and the other extreme in the social ladder—a highly educated upper class. Men of modern business training, instincts and energy are lacking. They are not usually a product of Spanish civilization, though the new order of things in Mexico has created many of them.

That is the desirable class of immigration for our southern neighbors. For many years they had nothing but our tramps, criminals, and swindling "fakirs." A young man, with a fair knowledge of Spanish, good business qualifications and a few thousand dollars, willing to work, and, if need be, "rough it" for some years has a far greater probability of success in Mexico than in the United States. The elements of chance enter into consideration in this, as in every act of our lives, and the usual lines of human activity will be found there, subject to the same fluctuations.

I would finally suggest that one must subject one's self to the laws of the land; respect its social customs, and bear in mind that courtesy and polish of manner are not only desirable in principle always, but may be considered a valuable and indispensable asset in Mexico.



## APPENDIX



## APPENDIX.

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### DEBATE ON ARBITRATION.

#### THIRTIETH SESSION.

*January 15, 1902.*

After the reading of the minutes of the previous session, and some observations being made on the subject of the project for the Exercise of the Liberal Professions, the secretary read the note addressed to His Excellency the President of the Conference by the delegation from Argentine, Bolivia, Colombia, Costa Rica, Dominican Republic, El Salvador, United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay, stating that they had signed a protocol in which they declare that the principles established in the Conventions of The Hague should be considered as American Public Law, and that the Governments of the United States and of Mexico had been intrusted with the mission to negotiate their adherence to said treaties, accompanying the text of the resolutions approved, in order that they be sent through the Secretary-General to the Minister of Foreign Relations of Mexico, so that said resolutions be duly executed. The Secretary also read the protocol, annexed to the note referred

to, and both documents are attached to these minutes as Annex No. 2.

Mr. Blest Gana, Delegate for Chile, requested that, before giving the customary ruling, the President should order the reading of the project on the same matter presented by the Chilean delegation, and which is in the hands of the Secretary, since said project coincides in ideas and desires with the treaty that had been read. He recollected that, from the first time that the question of arbitration was discussed by the committee, he declared himself in favor of the Convention of The Hague; that on account of the standing of the Governments which had signed it, it means the most important step that had been taken in such a transcendental matter. He concluded by saying that it was with pleasure that he saw that his ideas were shared by the majority of the delegations represented at this Conference.

Mr. Carbo, Delegate for Ecuador, stated that he was a partisan to the adherence by this Congress to the treaty of The Hague; and that if he had not signed, it was because the instructions he had from his Government did not allow him to sign anything outside of the Conference. Ecuador had come to this Conference to express in the most open manner its way of thinking on all international questions that may arise, without siding one way or the other, because, as it maintains the best of relations with all the other nations of America, it has no reason



whatever to wound the feelings of anybody; but since he was in favor of the treaty alluded to, and had full power to sign it, he was entitled to demand, as he did, that the delegations which signed it express whether or not they all have the same faculty, in order that he might know who could or could not sign the treaty before mentioned.

His Excellency the President, in replying to Mr. Blest Gana, called his attention to the fact that the Chair was under obligation to have read the documents presented to the Secretary in the order they were received; and that the project on arbitration of the Chilean delegation would be read opportunely, when its turn would come.

Mr. Blest Gana thanked His Excellency the President for his explanation; and stated that his object in requesting the floor had only been to avoid the repetition of a useless discussion.

The Secretary announced that the Chair had ruled that the general treaty on the adherence to the Conventions of The Hague submitted by several delegations be referred to the Secretary-General, in order to comply with the provisions of paragraph 7, of Article i of the regulations.

Mr. Walker Martínez, Delegate for Chile, read Article x of the regulations, by virtue whereof the Secretary shall present to the Conference the matters that have been received after the previous session, and the President shall order that each of those matters be referred to the respective commit-

tees for their consideration. Thereupon he requested that such precepts be complied with, and that the Treaty on the Adherence to the Conventions of The Hague be referred to the respective committee for its consideration. He also requested the Chair to address Mr. Galavis, a Delegate for Venezuela, in order that he might verify the information that the Chilean delegation had regarding the withdrawal of the Venezuelan delegation from the Conference. If, as the speaker believed, such information was right, he supposed that the signature of Mr. Galavis should not remain in the convention referred to.

His Excellency the President replied to Mr. Walker Martínez, that the Chair had really today received a communication from Mr. Galavis announcing the withdrawal of the Venezuelan delegation, and stated that the signature of said Delegate appeared at the end of the convention as under the date of December 26 last.

Mr. Matte, Delegate for Chile, moved that all the documents presented to the Secretary be read, and that the Chair should thereafter rule what procedure should be followed.

His Excellency the President stated that in all parliaments, after reading every proposition, motion or project, the Chair orders what procedure should be followed, and that as the ruling of the Chair had been attacked, the assembly would be asked whether it would approve it or not.

Mr. Walker Martínez congratulated himself that

the Chair had already received official notice of the withdrawal of the delegation of Venezuela. It would be easy to comprehend, knowing that fact and not having heard read the name of Mr. Galavis on the note with which the treaty was sent to the Conference, that the speaker was compelled to ask the foregoing explanation, especially since the treaty referred to was to take effect today, and as Venezuela was no longer represented in this Conference, it cannot be said that the project which gave rise to this debate was signed by her. Mr. Walker Martínez thought it strange that the Chair had not deigned to reply to the argument which he had advanced with regard to Article x of the rules. Parliaments and international assemblies, like the present one, have the strict duty to obey the rules which they have established for the purpose of regulating their work. The absolute submission to these rules is the only safeguard of all rights and the only guarantee which exists for accomplishing the object which they all propose to attain. The rules of the Conference are the work of the delegation of Mexico; all the other delegations had accepted them, and all, for that reason, were obliged to comply with them. Why, then, if Article x is the only one applicable in the present case, are new proceedings invented, and why is it not desired to refer the project of a treaty which is signed by some of the delegations to the respective committee for its examination? Why does the Chair place the



members of the assembly in such a difficult position, and compel them to either disregard its authority or to openly violate the rules? Why is it desired to refer to the Secretary-General a matter which is already before the Conference? He called attention to the fact that the whole world had its eyes fixed upon the work of this assembly, not so much on account of the importance of the people who are represented therein, as on account of the transcendency of the questions to be acted upon by it, and ended by requesting the Chair to decide this vexatious question for itself, and obey with a good grace the positive provisions of Article x of the rules, in view of the fact that it is vested with the high functions of judge, and represented not only Mexico, but the whole assembly, it being, therefore, its principal duty above all and before all to procure the exact fulfillment of the established regulations.

His Excellency the President called the attention of Mr. Walker Martínez to the fact that the note accompanying the treaty on Adherence to those of The Hague did not conclude with a proposition which could be submitted to the consideration of any committee; that said note simply contained the information that the treaty referred to had been entered into. On the other hand, the Committee on Arbitration is composed of one member for each of the delegations, and the treaty having been signed by sixteen of them, is equivalent to any report that might be formulated by the same committee; there-



fore, in his judgment, the ruling of the Chair was justified; but since it has been attacked, he was unavoidably compelled to submit it to the approval of the Conference.

Mr. Bello Codecido, Delegate for Chile, believed it to be his duty to add a few words to those of his colleagues of the delegation; he did not think that the question was a matter of simple procedure, but on the contrary it was to find out in what sense the vote of this assembly would be given on a question so important as that of arbitration, and which was the first on the programme of the Conference. If the delegations signing the convention referred to, as well as that of Chile, were willing to adhere to the Treaties of The Hague, why is it not so declared among the members of the Conference? Why do outside of the Conference what could and should be done here, in accordance with the provisions established by the regulations? This matter being of such a serious nature should not be decided by a simple ruling, but should be discussed and acted upon after careful deliberation, which would be the more useful in this case, since all the members of the assembly agreed to it in substance, and only differed as to the manner of procedure.

Mr. Matte stated that he had before proposed as a conciliatory measure that the ruling of the Chair should be reserved until after he had presented the project of the delegation of Chile; but since his idea had not been accepted he was obliged to ask the

exact compliance with Article x of the regulations. In the opinion of the speaker, the observations of the Chair regarding the fact that the note of the delegation did not end with any request, had no force whatever, because, as is seen by the text of said note, which he read, it was asked therein, in a positive and express manner, that the treaty be referred to the Department of Foreign Relations of the Mexican Republic. He thought it very strange that when it was a question of matters the decision whereof was obvious, as, for example, among many he could cite that relative to the telegram from Spain, such matters had been and were always referred to the respective committees for their examination, and now it was not desired to pursue the same course in matters of such importance and gravity as is that of arbitration. Fraction 7, of Article 1, relative to the attributes of the Secretary-General, was invoked, but its provisions are of a purely economic character, and it cannot be applied to cases like the present, and the Conference would be converted into a simple channel for transmitting the documents presented. On the other hand, it was entirely unacceptable to pretend to deprive the assembly of all intervention in this matter, when Article ii of the treaty proposes that the Conference confer upon the Governments of the United States and Mexico the duty to negotiate with the other signatory Powers of the Convention of The Hague with regard to the adhesion of the Ameri-

can nations, to the same who have not signed these conventions, and who should so request it.

His Excellency the President said that, as several of the Delegates had asked for the floor, and the hour fixed by the rules had arrived, the session would be suspended, to be continued to 4 P. M.

The session was suspended at 12.55 P. M.

The session continued at 4.30 P. M., in the presence of the Delegates whose names appear in the present list, as also Mr. Chavero, a Delegate for Mexico.

The Secretary announced that the discussion on the ruling of the Chair would continue.

Mr. Pineda, a Delegate for Mexico, stated that the question was simply a matter of procedure, which, if it had attained such large proportions, was only because it was connected with that of arbitration. That the ruling of the Chair was perfectly well founded, and that Mr. Raigosa has this morning already given indisputable reasons in support thereof. The speaker wished, however, to add some words, and to that effect commenced by relating with all frankness and sincerity the incidents that happened; the first being the fact that fifteen delegations had presented to the Conference a treaty signed by them, requesting only that it be referred to the Department of Foreign Relations of Mexico. They did not wish it to be submitted to the consideration of the assembly, and did not ask that the latter might discuss or act upon it in any way?



What else could His Excellency the President do than accede to the wishes of said delegations, acting in this case, as has been done in many other previous ones, even with regard to matters of very little importance? The other incident referred to the fact that the Chilean delegation had submitted to the assembly a treaty, the object of which is also that the American republics may adhere to the Treaties of The Hague, and to the proposal that the project signed by the delegations should not be acted upon until after that of the representatives of Chile had been read. Such proposal was by all means unjustifiable, because it was not possible to discuss together the two projects, which differed materially, both with regard to the time of their presentation and in their form and nature; one of them is a definite and complete agreement, while the other is a simple initiative, that will have to be submitted to the whole procedure of the regulations. Should they be placed under discussion, the result would only be an incomprehensible debate without any satisfactory solution. Mr. Walker Martínez has required that Article X of the regulations be complied with; but that precept cannot and could not be invoked except in cases in which it might be applicable; it was evident that matters requiring study should be referred to the committees appointed by the Conference, but it was out of the question that a treaty in which all the Delegates signing it are in perfect harmony is a matter not susceptible either of



discussion or resolution. Replying to Mr. Bello Codecido, the speaker stated that it is not true that a debate on arbitration is being carried on, as it cannot take place either in regard to the treaty of the fifteen delegations, which has not been presented with that object, but only in order that, through the proper channels, it may reach the Mexican Foreign Office, or in regard to the project of the delegation from Chile, the text of which is not even known to the Conference. In regard to the argument of Mr. Matte relative to the fact that in one of the clauses of the treaty the name of the Conference is used, so that it may confer on the Governments of Mexico and the United States the mission of obtaining the adherence to the Conventions of The Hague, Mr. Pineda stated that, in his own opinion, the fact is that a defect exists in the wording; but that the Conference can neither modify the form of said document, which has not been submitted to its consideration, nor can any responsibility be attached to it, so long as it is not its own production, but solely and exclusively that of the signatory delegations. For all these reasons the speaker closed by saying that, in his opinion, the ruling of the President was correct and in accordance with his high powers.

Mr. Buchanan, a Delegate from the United States, said that he recognized the proper and kindly deference shown in the remarks made by the distinguished gentlemen from the Chilean delegation, and that he merely rose to make an explanation.

When the document that has been read was drawn up several days ago, it was in the belief and hope that it would meet the cordial support and indorsement of every Delegate in the Conference; hence the phraseology of Article III; but, inasmuch as it had been signed by all, the observation made by his colleague of the Chilean delegation was proper; and he respectfully asked, with the permission of the gentlemen who signed, that there might be no misunderstanding, to correct the words, the "American Conference," into "the Delegations to the American Conference," and in that way the point made by Mr. Matte would be removed. He added that it appeared singular that the act of fifteen delegations, responsible to no other than to their own Governments for their actions, who had signed among themselves a document, and presented it to the Conference with the simple request that it be transmitted to the Mexican Government, should be objected to by a delegation not a party to the document; that it appeared to him that those signing it were in their strict right, and that their request should be granted. He could not see why that request should be objectionable to anyone who did not sign it. Finally, he again expressed the desire that the change above suggested be made in the document when it should be presented.

Mr. Carbo, Delegate for Ecuador, after having expressed again the independent standing of his delegation, and his opinion in favor of the Treaties of

The Hague, stating that, the same as Chile, it was disposed to sign them, it being their right to adhere to the project under discussion in the form which they might believe proper. That, supposing the project were to pass through all the proceeding prescribed by the regulations, he reserved his right to express his opinions whenever that opportunity should arise; but as it was already proposed to forego the established practices, he had to state what he believed. He had been the first to applaud the exquisite tact of His Excellency the President, who could do no less than to recognize that the letter of the law should not be disregarded under the pretext of carrying out its spirit. In the present case, according to the rules, and even as a matter of courtesy, in order that the delegations who have not signed it may inform themselves of the project, the latter and the Chilean proposition, after having been read, should be referred to the Committee on Arbitration, so that it may report upon them. As president of the Committee on Credentials, he said that he believed it his duty to state that many of the Delegates had only simple credentials, which did not authorize them to discuss and much less to sign treaties. An International Congress convoked for the purpose of establishing proper diplomatic rules, cannot consent that the delegations which have not been authorized by their Governments with the plenitude of their representation, should discuss and vote upon treaties, which



suffer from a fundamental defect, and that would not accomplish more than to lead the judgment of the world astray in all that relates to the resolutions of this Conference. To send a project of a convention to the Department of Foreign Relations of Mexico, in order that the latter may find that a good many of the Delegates have no powers, is an act unworthy of this Conference, which should proceed with entire circumspection, especially when it is a question that affects the country which has extended its hospitality to the delegations of the others.

Mr. Buchanan, a Delegate from the United States, said that he rose with considerable reluctance; but, inasmuch as his distinguished friend, Mr. Carbo, of Ecuador, both this morning and just now, quite unintentionally, and without thought of giving offense, as he thought, had indirectly questioned the power of some of those signing the document read, he wished to say in reply that, so far as the United States delegation was concerned, it is only answerable to the United States Government for what it does.

Mr. Carbo stated that his intention had not been in the slightest to offend the delegation of the United States nor any other delegation; that when treaties were entered into, it is a fundamental principle in diplomacy that plenipotentiaries have the privilege to assure themselves that the others are fully empowered by their respective Governments.

General Reyes, Delegate for Colombia, stated that



his delegation was one of the fifteen signing the treaty under discussion; and when he attached his signature to it he believed that in that way all kind of obstacles would be avoided; but he said that, unfortunately, these obstacles had increased, and, as he was afraid that the treaty in question would not meet the requirements of all the American republics, he called the attention of the Conference to the obligation under which they were of taking, after careful consideration, a definite decision on the important matter of arbitration as the only means for maintaining peace among them. That obligation became more urgent for the nations which have questions relating to boundary lines which would be of the greatest importance in the near future, through the development of the powerful elements of wealth of the nations of this Continent. The speaker closed by submitting to the assembly the following proposition: "Let the project of arbitration submitted by the Chilean delegation be read, and, together with that presented by the fifteen delegations on the same matter, be referred to the committee appointed for these matters, so that a report may be submitted thereon on Monday next."

The Secretary announced that, in conformity with Article XV of the regulations, as the ruling of the Chair was pending of discussion, the proposition of Mr. Reyes would be taken into consideration, after the votes had been given with regard to said ruling.

Mr. Matte, a Delegate for Chile, replying to Mr.

Pineda, stated that, in order to put in evidence the justice that the Chilean delegation had, he appealed to the most authorized opinion of one of the members of the Mexican delegation, Mr. Pardo, who, in submitting at the session of the day before yesterday the new article of the regulations, still unapproved, recognized in a clear and positive manner that there was at present no provision in the rules which would authorize the Chair to grant the wishes of the signatory delegations, by sending the convention to the Mexican Foreign Department. That Mr. Pineda admitted that the convention in question spoke in the name of the Conference, but at the same time he denied to the Delegates which have not signed it the right to discuss the terms of said convention. The speaker did not understand how such a thing could be sustained, and to desire that the matter pass the Conference simply by routine, without discussion whatever; and inasmuch as a resolution was to be taken in its name which might cause it some responsibility, it was only just that it should have the right to examine such resolution in order to decide if it was well founded. He then observed to Mr. Buchanan that the name of this assembly was not only mentioned in Article II of the treaty, but also in its preamble and in Article I. He concluded by stating that he was very glad to see that the idea of all the nations of America adhering to the Treaties of The Hague was being unanimously accepted, a thing which constituted

the desideratum of Chile, since it became a part of the Conference.

Mr. Bello Codecido, Delegate from Chile, stated that Mr. Pineda, starting from the premise that only a question of proceedings was being considered, arrived at conclusions entirely different to those of the speaker, who, on the contrary, believes that a point of great importance is being discussed; and to prove this it is sufficient to see the large proportions assumed by the debate which treats of the right which some delegations may have to form resolutions outside the Conference, upon which the Conference has to pronounce its judgment. If this principle should be established and should be permitted that the nations represented in this assembly might sign agreements upon all kinds of subjects, outside of the Conference, the latter would be entirely useless, and it would be better if it had not assembled at all. This is a strange fact—fifteen delegations who signed the convention, submit it to the Conference, that is to say, to the only two remaining delegations who have not signed it, and it is desired that by the reason of such document being approved by the great majority, almost the totality of the countries in the assembly, the latter sends it to the Mexican Foreign Office without the delegations who have not signed it may examine its provisions to weigh the responsibility that might accrue to them from such action, inasmuch as this act is to be executed by the Conference of which



they form a part. If the wishes of the signatory delegations were acceded to, a treaty already signed would be sent to the Mexican Foreign Office, and another would remain pending of discussion; the said Foreign Office being in possession of two treaties on the same subject, identical in substance, but in different form. If the proposed treaty would be subscribed by a simple majority, it might be explained that it should be sent to the Department of Foreign Relations as being the work of the delegations who signed it, but this cannot be supposed regarding an agreement which is not only signed by nearly all the delegations, but which also has the approval of all the others. The delegation from Chile wishes as the signatories of the treaty, but wishes that in order to surround it with greater solemnity that it should go endowed with the sanction of the Conference. It is perfectly true that the Convention referred to has been accepted by a great majority, but it should not for that reason be exempted from the procedure established by the regulations. The speaker closed by stating that the delegation from Chile, desirous of overcoming the difficulties and facilitating the termination of this matter, presents to the Conference the following proposition, maintaining as its preamble that of the project of the convention presented today to the Secretary by the Chilean delegation:

“The Chilean delegation takes as its own the project of adherence to the Convention of The



Hague signed by fifteen delegations, and submits it to the consideration of the Conference, in order that as soon as it may be approved it be sent by the Secretary to the Department of Foreign Affairs of Mexico. (Signed)

“ALBERTO BLEST GANA,

“AUGUSTO MATTE,

“EMILIO BELLO CODECIDO,

“JOAQUIN WALKER MARTINEZ.”

Mr. Carbo requested the floor, but the Chair stated that, as the hour of the regulations had struck, and as the Conference had to be consulted with regard to the proposition submitted by Mr. Macedo, the session would adjourn.

The Secretary read the proposition of Mr. Macedo, as follows:

“January 15, 1902.

“I respectfully request the Conference that it be pleased to decide that tomorrow’s session shall be held in the morning as well as in the afternoon.  
(Signed)

PABLO MACEDO.”

The Conference was asked whether the above proposition would be taken immediately into consideration, and the answer being in the affirmative by a unanimous vote, the proposition of Mr. Macedo was approved also unanimously without discussion.

The session adjourned at 6.20 P. M., Mr. Carbo having the floor.

## THIRTY-FIRST SESSION.

*January 16, 1902.*

After the minutes of the former session, which were not distributed or printed among the Delegates, on account of lack of time, had been read, on motion of Messrs. Buchanan, of the United States of America, and Matte, of Chile, it was ordered that their approval would be reserved until the next session, in order that the members of the assembly might better become acquainted with their contents. It was announced that the discussion upon the ruling of the Chair would be continued.

Mr. Carbo, Delegate of Ecuador, entreated the Conference to adhere to the proposition of the delegation of Chile, as the most expedient manner to give a proper solution to the matter under discussion.

Mr. Macedo, a Delegate for Mexico, asked pardon of the Conference for submitting some observations regarding the proposition of the Chilean delegation, even before knowing what action would be taken in regard to the same. He stated that the regulations were no dead letter, and that the spirit that animated them was that of concord between all the nations here represented, and the desire that they all would accomplish a practical and fruitful work, one of efficacious results for all the Continent; that there existed a substantial difference regarding this point, among special parliaments of

each country and assemblies of the character of this Conference, inasmuch as the law of majorities governs in the former, but did not do so in the latter, as here each one preserves the most absolute liberty to decide in favor of that which he may consider advantageous for his interests. That the proposition of the Chilean delegation consists of two parts, the first, in which it adopts the project of adherence to the Conventions of The Hague, subscribed by fifteen delegations; and the second, in which it submits that project for the consideration of the Conference, so that, as soon as it be approved by the same, it be sent by the Secretary-General to the Department of Foreign Affairs of Mexico. The speaker applauded the first part warmly, because it means the unanimous adherence of America to the conventions referred to, which constitute a great step forward on the road of progress, and which only those can depreciate who are ignorant of history, and do not know, for that reason, that the conquests of humanity are only achieved slowly and at the cost of immense sacrifices; but that he was not in accord with the second part of the proposition, which, instead of favoring, prevents the accomplishment of the object which all propose to attain. If some had already approved the project of Adherence to the Conventions of The Hague, and others had adopted it, what practical utility could be derived from its discussion? What greater prestige, what greater force can such discussion add to a



resolution already taken by all the Delegates? Appealing to the affection which should reign among all the members of the American family, he entreated the delegation of Chile to rid the Conference from the difficulties and confusion of this reglementary debate, and to withdraw the second part of its proposition, by saying: "The work of the fifteen delegations is that of all America," and surrounding thereby the resolutions of this assembly upon a matter of such vital importance with greater solemnity in the eyes of the world.

Mr. Walker Martínez, Delegate for Chile, congratulated the Conference that Mr. Macedo had elevated the character of this debate, and had infused into it an atmosphere of generosity and sympathy. The appeal to the American brotherhood of the Honorable Delegate of Mexico would bring with it, he was sure, a rapid and advantageous solution, and would cause all the members of the assembly to agree regarding the form, since they were already equally agreed with regard to the substance of the matter. He sustained, incidentally, that it should not be said that the project of Adherence to the Conference of The Hague was signed by fifteen delegations, because the mandate of the Delegate for Venezuela had expired on December 30, and, when the said project was introduced into the Conference in the previous session, the Chair had already official notice of the withdrawal of the representative of that republic. Entering upon the substance of the de-



bate, the speaker said that as he had already previously stated, the delegation of Chile found itself in a difficult and embarrassing position, because, as it was of the opinion that the Chair was not authorized to rule to have the project acted upon, bound by his duty towards Mexico, he could not vote against the ruling referred to, as it would be a want of courtesy towards that nation, and he, therefore, would be compelled to abstain from voting at the time of taking the votes. In order to remove this difficulty, the delegation of Chile again requested the Conference to accept its proposition; that is what is to be done outside of the regulations should be done within it, and since all approve the exalted idea of adhering to the Conventions of The Hague, let them all come to this assembly and openly proclaim it with their votes, thus giving a greater prestige to such a great and generous idea. If the question was of a project representing only the opinion of a minority, the delegation of Chile would not be opposed to it being sent to the Mexican Foreign Office by a simple ruling of the Chair; but it cannot act in the same manner in respect to a treaty that is unanimously adhered to by the Conference, and which, therefore, they desire to be endowed with greater prestige. It does not belong to the delegation of Chile, but to the delegations that sign the project, to give in on this point, and to consent that, in order to approve this resolution, the proceedings established by the regulations be complied

with. Besides these reasons, the delegation of Chile has another indisputable one which it submits to the consideration of Mr. Macedo and of all the assembly: The Chilean plenipotentiaries have such representation only within the Conference, not outside of it; therefore, they have only power to sign treaties entered into in the proper manner, and which have been discussed and approved in the Conference. In order to prove this, Mr. Walker Martínez read his credential, and in order to justify the action of the Delegates of Chile, he asked to have it inserted, if not in these minutes, at least in the bulletins issued by the Secretary; and he stated that nothing could justify that he and his colleagues should go outside the Conference to do badly what here could be done well, with justice, truth and right. Referring again to the conformity of all the delegations on the resolution which must be taken, he recommended the Conference, once more, that it should adopt it in a solemn manner which will redound to the prestige of the Assembly, wherein the countries that issued the invitation, which accepted it full of hopes and illusions, have more interest than Chile, which came with reserve and lack of confidence.

His Excellency the President stated that, in view of the constant censures made by Mr. Walker Martínez on the rulings of the Chair, he was obliged to break the silence which his official capacity as President imposes upon him, not only to determine in

a precise manner the matter under debate, as also to appeal to the delegation of Chile, on whose answer will depend the ruling which the Chair will make, and the course which will be given to the discussion. The only thing under debate is the ruling of the Chair, ordering that the note of the fifteen delegations, which sent the project of the treaty subscribed by them, be referred to the Secretary-General of the Conference, in order to comply with the provisions of paragraph 7 of Article I of the regulations, as is proved by the trend of the discussion which took place in the two sessions of yesterday. Therefore, the Chair was right in announcing that today the discussion on the ruling referred to would be continued. Referring to the signature of Mr. Galavis, he stated that it might be said with all truth that the project of the treaty was presented by fifteen delegations, because, without including that of Venezuela, such was the number of signatures at the end of said project, as the Assembly would become convinced by the reading that he was about to make. His Excellency the President closed by requesting the delegation of Chile to be good enough to say if, as could be inferred from the statements of Mr. Walker Martínez, it withdrew its opposition to the ruling of the Chair, because if such was the case, the present discussion would be useless.

Mr. Walker Martínez deplored that His Excellency the President should want to lead the delega-



tion into a dangerous field, instead of helping it to smooth the debate. He feared that His Excellency the President had not fully understood the standing that his delegation has taken. The Chilean delegation insisted on its belief that the only precept applicable in this case was Article X of the regulations; he had the most firm conviction that the Chair has had no right whatever to order the ruling under discussion. But, as he had stated before, the Delegates for Chile find themselves restrained from, and in the impossibility of, voting against His Excellency, who is the most conspicuous member of the Mexican delegation, to which they owe respect and consideration. It matters not whether the signature of Mr. Galavis makes the number of the delegations signing the project fifteen or sixteen; the greater or lesser number of those delegations is immaterial; the only thing important is to decide that among those signatures that of the Venezuelan Delegate must not be counted. Replying to the interpellation of His Excellency the President, he stated that when the opportunity arrives, the Chilean delegation will reserve its vote, but that this does not mean that it expresses its consent, and therefore the debate is yet in order and must continue.

Mr. Buchanan, a Delegate for the United States, desired first, on behalf of the United States delegation, to extend their most sincere appreciation of the very courteous and kindly reference made to



the United States Government by the distinguished Delegate for Mexico, Mr. Macedo. Referring then to the ruling of the Chair which had been challenged by the Honorable Chilean delegation, as they had a perfect right to do, he said that those who were not at any time in accord with the rulings of the Chair had the right, not only to say so, but to vote against it. He then dwelt on the character of the work upon which the Conference was engaged, stating that it was a Conference and not a congress of plenipotentiaries; that all had come together in friendliness and with an endeavor to do all they could to remove any obstacles in the way of a good understanding, so that no delegation in the Conference should discuss topics that might be objectionable to others. He further said that there was a great deal at the bottom of the question under discussion, because it referred to the subject of arbitration. That, during the two months they had been together, this had been the chief topic of discussion among the Delegates; that all know the opinions of their colleagues regarding that subject, and that it was known by all that there were delegations here who had expressed a desire to have discussion on certain phases of the subject of arbitration avoided; that with that end in view the delegations represented by their signatories determined to sign the protocol they had asked to be sent to the Minister of Foreign Affairs of Mexico; that the delegations who signed the document were each

and all willing to grant an equal right to any other delegation or delegations, and that those who challenged the right of the signer, had not presented good arguments in support of their position. Referring to the plenipotentiary powers which his distinguished colleague, Mr. Walker Martínez, had read, and which covered those of the Chilean delegation, he said that it seemed to him that a delegation plenipotentiary "*ad hoc*" could do the lesser things included in the greater powers extended them. As to the protocol itself, the speaker said that it was signed among delegations, answerable only for their acts to their different Governments, and not to this Conference. He added that his delegation had been sent here with instructions to do all they could in the interest of good-will, and to avoid discussing anything disagreeable; that said delegation, with others, had signed this protocol knowing the conditions existing with regard to the subject, as did the Chilean delegation also. He further stated that, as to the point at issue, the question was simply whether or not the delegations had a right, no matter whether there are one, or two, or five, or fifteen, to send to the desk of the Conference anything signed among them, and to ask that it be read and transmitted outside the Conference in such a manner as they may direct. He said, lastly, that nothing would give greater pleasure to the United States delegation than to see the Chilean and Ecuadorian delegations become mem-

bers of The Hague Treaty; but that, for the present, the question was merely one upon the ruling of the Chair upon a given point.

Mr. Bermejo stated that in the course of the discussion much had been said of the regulations; that assemblies like the present ought not to have them, as was the case with The Hague Conference, and the reason was very simple. Contrary to what is the case in parliaments, here the vote of the majority does not bind the minority, and, as is well known, the principal object of the parliamentary regulations is to protect the rights of that minority. He recollected the difficulties which were met with for the assembling of this Conference, and which forebode those that have to be dealt with at present. Referring specially to arbitration, he recollected that from the beginning it was impossible to arrive at a unanimous understanding, both with regard to the committee and the sub-committee appointed. It could at once be seen that there was a difference of opinions and intentions, which, after taking several forms, were resumed in these two: Adherence to the Convention of The Hague, and a Treaty of Compulsory Arbitration. There can be no objection to the former being signed by all, since they are agreed thereto, and, on the other hand, that those who may not be satisfied with it sign among themselves a more ample treaty, the better to satisfy their aspirations. In order to attain such results, the intended discussion seems en-



tirely useless, because, apart from the fact that each had the most firm convictions on the matter, the Delegates of the republics herein represented did not act by their own free will, but had to be subject to precise and conclusive instructions from their Governments. The Argentine delegation, like the others, had not omitted to discuss that point. He would have no objection whatever in strongly defending and proclaiming his convictions with regard to this matter. He agreed in supporting the ruling before the Conference, because he believed that all accepted it, and as a mark of respect and consideration to the Mexican delegation, believing it to be the most appropriate to avoid disagreements and to maintain harmony among all the countries of America.

It being 1.30 P. M., His Excellency the President declared the session adjourned, to be continued in the afternoon at the usual hour.

The session continued at 4.20 P. M., in the presence of the same Delegates mentioned in the list previously inserted.

It was announced that the discussion of the ruling of the Chair would be resumed.

Mr. Macedo, Delegate for Mexico, commenced by deploring that the delegation of Chile did not find its power sufficient to sign the convention presented by the fifteen delegations, as the speaker had invited it to do. In such matters, each one is the sole judge of the scope and extension of his au-



thority, and for that reason Mr. Macedo greatly respected the conviction of the representatives of Chile, but requested at the same time that they should do likewise with regard to the deeply rooted one entertained by the signatories of the treaty, that, in signing it, have not overstepped in any way the power given to them by their Governments. He explained that when in his previous speech he spoke of the spirit of the regulations, he only intended to state that he was going to examine the proposition of the delegation of Chile before it was put under discussion, but not that the ruling of the Chair, which is being discussed, was not entirely in accordance with reglementary precepts, of which fact he was thoroughly convinced, and he believed it useless to repeat the arguments which in support of this thesis those who have preceded him in speaking thereon had advanced in such a brilliant manner. He believed it indispensable to justify the work of the fifteen delegations, on account of the part which Mexico had taken in the same, and to declare categorically that it was neither concocted in the ante-chambers, nor could the terms "surreptitious" be applied to it, inasmuch as it represented the agreement arrived at, with the knowledge of all, by the majority of the delegations who form this Conference, in the exercise of the most perfect right, and in obedience to the most exalted reasons of prudence and fraternal feeling, which reasons had already been stated to the assembly by Messrs. Bu-

chanan and Bermejo. If the proceedings, of which the Delegates are all aware, had been adopted, it was in order to avoid friction and with ideas of conciliation, and in this regard the speaker believed himself under the obligation to express, in his own name, in that of his delegation, of the Government and of his people, his deep gratitude to the signatory delegations for the great prudence with which they have acted and with which they have contributed so effectively to prevent greater difficulties. Mr. Walker Martínez feared that the Second Pan-American Congress would result in a failure. Such fear was unfounded, and in proof of his assertion, it was sufficient to recollect that the American nations had approached and become acquainted with each other, accomplishing in this manner the principal object of their reunion; that six treaties had been concluded; that the Adherence to the Conference of The Hague had been firmly established, and that another Treaty on Compulsory Arbitration had been agreed upon. The speaker believed it to be his duty, as a Mexican, to offer to the Chilean delegation his most sincere thanks for the deference which it believed itself obliged to observe toward the President of the assembly; but he asked that it should not carry this sentiment to the point of forgetting that Mr. Raigosa no longer belongs to the delegation of Mexico, but to the whole Conference, by reason of the office which it had intrusted to him; that the delegation of Chile, like all

the others, was in its most perfect right to oppose the rulings of the Chair, and to vote against them, and that Mexico would never feel hurt if it should do so, because it knows, "that he who uses his right offends no one."

Mr. Bello Codecido, Delegate for Chile, said that he did not desire to prolong this debate, which appeared already exhausted; but that it was necessary for him to say a few words in reply to the brilliant address of Mr. Macedo. The latter had applauded enthusiastically the first part of the proposition of the delegation of Chile, in which it manifested its adherence to the Treaties of The Hague, but had asked it to withdraw its second part, and the speaker proposed to state the unanswerable reasons which his delegation had for refusing to do so, as much as it regretted not to be able to oblige Mr. Macedo. He reiterated the arguments already advanced by the delegation of Chile, and which were intended to demonstrate that it has no power to represent its country, except within this Conference, and that it was preferable that the adherence of the American nations to the Convention of The Hague should take the most solemn form of a vote by the Conference, in accordance with its reglementary precepts. He stated that the delegation of Chile did neither attack nor censure the rulings of the Chair, but endeavored to find the most appropriate mode of proceeding in order to accomplish the object which they all proposed to attain. Mr. Buchanan had said that the



method chosen by the fifteen delegations was the most effective one to avoid angry discussions over the burning question of arbitration, but doubtless he did not consider that, if the proposition of Chile was accepted, then there would be no such discussion, inasmuch as there would exist already a previous and unanimous agreement of all the delegations regarding the expediency of the Adherence to the Conventions of The Hague. He concluded by stating that two petitions had been submitted to the Conference; that of the fifteen signatory delegations, and the proposition of Chile; that the latter one was a modification of the former, and that, for this reason, relying on the provisions of the regulations, he asked the Chair to put the proposition of Chile immediately to a vote, before the proposition of the other delegations.

Mr. Buchanan, a Delegate for the United States, said he wished to express his thanks to his good friend, Mr. Bello Codecido, and the other members of the Chilean delegation, for the courteous manner in which they have presented the subject from their point of view. He further said that he wished to make two requests at this time, in the name of those who had signed the portocol: First, that there shall be attached to the document a statement to the effect that, nothing therein contained, was intended to have, nor should it have, application to any delegation who had not signed the document; and, second, that a certified copy of the telegram or



telegrams in the Office of the Conference, from the Government of Venezuela, touching the withdrawal of that delegation, be attached to the protocol. He finally said that the question before the Conference was not whether or not the protocol was signed within or without the Conference, or anything with regard to the authority of those who signed it, but simply as to whether the ruling of the Chair, in question, was correct.

Mr. Alzamora, a Delegate for Peru, stated, that he should not have taken part in the discussion, by reason of obligations he had contracted with the delegations of Mexico and of the United States of America; but as the signatory delegations had been charged with not sustaining the rulings of the Chair, and with trying to avoid the discussion, and as the expression "Florentine diplomacy" had been used, he believed it to be his unavoidable duty to say a few words, for the purpose of explaining the conduct of his delegation, and to review the history of this matter. He thought it strange that the delegation of Chile should oppose a compliance by the Chair of the request of the signatory delegations. It was desired to subject to discussion a matter which does not need it, because it was definitely determined. It was desired to make out of this a matter to be decided by the regulations, forgetting that there are things, such as the agreements between sovereign nations, which are superior to all rules, to all laws, and, even at times, to all constitutions.

It was asked to refer the project to a commission, which after three months has not been able to arrive at anything practical. The responsibility of the Conference was spoken of, when if any responsibility existed, it only belonged to the delegations who have subscribed the treaty. He pointed out that this treaty was not the work of the Assembly, because it has been agreed upon outside of the Conference, but it must be remembered that whatever may be done by the plenipotentiaries forming the Assembly, no matter where they act, their work must be considered as that of the Assembly. The speaker thought it necessary to give some explanation in order that the peoples and the Governments may understand this condition, which at first must appear to them as an enigma. Since the change of programme, known to all of us, took place in the Bureau of American Republics, a difference in the opinions and tendencies as to whether or not the question of arbitration should be considered in the Conference had arisen. After the inauguration of the Congress a special committee was appointed, composed of one member of each of the delegations, and this fact, in the opinion of the speaker, explains the cause of the unfruitfulness of its labors. The delegations of the United States and of Mexico, desirous, as they were, of maintaining harmony among all endeavored to limit the discussion to groups more or less homogeneous, and being prompted by a noble sentiment, made worthy efforts in order to reach some concilia-

tory ground. As a result of this effort, the two treaties known to the Assembly were agreed upon: one as a simple adherence to the Convention of The Hague, and the other, more ample, on Compulsory Arbitration. Both are the outcome of constant labor of three months; both represent the triumphant principle of arbitration, and as they are both connected, there is no reason why they should follow a different course and be submitted to different proceedings. The delegation of Chile, according to the statements of Mr. Buchanan, exacted that certain points of arbitration should not be discussed in the Conference, and when the signatory delegations chose the method known to the Assembly, so as to comply with that requirement, and only with the object of preserving harmony among all, they were surprised to see that the same delegation reproached them for having signed their treaty outside the Conference, and requested that it be submitted to the regular proceedings of the regulations. The delegation of Chile asserted its desire that this matter be discussed here, in the Conference; that of Peru, far from having any objection, enthusiastically shared that same desire, and if the delegations of the United States and Mexico would relieve it from its obligation, it will gladly enter the debate, to sustain with a firm conviction its opinions on the matter of ample and compulsory arbitration.

His Excellency the President stated that he could not grant the request of Mr. Bello Codecido, Dele-



gate for Chile, to the effect that the proposition submitted by his delegation should be voted on immediately, because, although in conformity with Article XVII, which he read, modifications tending to alter a resolution must be discussed and voted on before the resolution. If the Chilean proposition is examined, it will be seen that its first part refers only to the adherence to the Conventions of The Hague, which does not certainly modify the treaty of the fifteen delegations; and with regard to the second part, in which it is proposed to submit said treaty to the discussion of the Assembly, it cannot either be said that Article XVII is applicable thereto, because the note of the delegations is not a proposition, but a simple statement of facts not susceptible of discussion. The truth is that the said second part only refers to the ruling of the Chair; that the slight difference which it is intended to establish between the proceedings of the Chair and those of the Conference was unacceptable; that the only thing which had really been objected to by the Chilean delegation, the only thing which had been discussed and must definitely be submitted to the Assembly, was the ruling of the Chair. He closed by requesting the Conference to do him full justice by recognizing the absolute liberty which all the Delegates had in the course of the debate.

Mr. Blest Gana, a Delegate for Chile, was pleased to recognize the justification of the Chair. He declared that the delegation of Chile, although it made a proposition, did not make concessions of any kind,



nor had contracted any obligation with anybody on this matter; that he expressed from the beginning his opinions and desires with all sincerity; that he appreciated for what they were worth the noble efforts of the delegations of the United States and Mexico towards preserving harmony among all; that he had not asked that the matter be referred to the Committee on Arbitration for its consideration; and that the only thing he wished was the unanimous resolutions of adherence to the Conventions of The Hague be resolved by the Assembly with all the formalities of the regulations, thus giving to it a greater prestige and authority. The Chilean delegation, in conformity with the declaration of its Government previous to the assembling of this Conference, was not disposed to accept a discussion on arbitration in general terms; it had always asserted with all frankness that it accepted the Convention of The Hague; but it had frequently at the same time asserted that it did not consider the method proposed to declare that adherence as correct.

At 6.30 P. M. it was announced that as the hour fixed by the regulations had passed, the session would adjourn, to be continued tomorrow at the customary hour.

THIRTY-SECOND SESSION.

*January 17, 1902.*

The minutes of the session of the 15th instant were approved.

Mr. Guachalla, a Delegate for Bolivia, stated: I gladly rise to express my thanks to Mr. Pablo Macedo, the illustrious Mexican, who for many reasons is also our respected and distinguished colleague, for the kind expressions with which he had praised the stand taken by the delegations which have signed the Treaty of Compulsory Arbitration, soon to be read, and I believe that I am also interpreting the feelings of my honorable colleagues to whom I refer in making public in their names and in my own the expression of our sincere gratitude. Bolivia, it must be repeated, has not come to this Conference for the purpose of litigating, as I have asserted from the beginning on several occasions, nor to make petitions of any kind for itself only, but for all the nations represented here; it has come to labor in common, with the same spirit of Americanism, permit me the phrase, which I am pleased to attribute to all my honorable colleagues. Bolivia has not come with any selfish interest, because its only interest is the peace and harmony of what has been called and must really be so, the American family. In compliance with the only purpose, and as a representative of Bolivia, I have never entered into long discussions, nor have I pretended to force my ideas, just because I have enough respect for the ideas of others. I have further believed that, before an assembly of such notable statesmen, nothing new could be said that was not known to them; that in regard to transcendental questions all had formed their own convictions, and

that they would certainly not change their opinion by listening to more or less extensive and brilliant speeches, and that, lastly, a vote only binds those who cast it one way or the other. My action in accepting willingly and with all deference the respectful suggestion of my honorable friend, Mr. Buchanan, that I may not present at this time some considerations which I had intended to submit to the Conference in regard to several arguments which I had listened to in the session of yesterday, is a further proof of my assertions. I will abstain from making use of all the arguments which I had prepared, and are contained in the notes I have before me, because above all I wish for and strongly proclaim harmony and good will among all the Delegates assembled in this hall. But on withdrawing the notes alluded to, I cannot omit a consideration which, among others, justifies my vote of adherence to the Conventions of The Hague. When the Foreign Office and the very distinguished delegation of Mexico looked for a satisfactory solution for all in the serious question of arbitration; when we were spoken to on behalf of reconciliation in the exalted manner in which we all applauded and which will always be a cause of pleasant remembrance to us who have had the good fortune of coming to this illustrious capital; when in the name of those exalted principles we were asked to join in the work of peace, we were very happy to answer to this noble initiative by declaring that we all were in accord with such exalted intentions, and that we



would concur in our part of the labor as much as was necessary for the success of the work to which we were invited. These were the opinions of the delegations signing the treaty to which I refer, and we have with a serene and determined mind undertaken an enterprise which to many seemed impracticable; but which has happily attained a result as to which we all must congratulate ourselves. In the long series of sessions held by groups more or less numerous, the meaning and scope of which sessions were known to all, minute by minute, it was proposed that we should adhere to the Conventions of The Hague, and at the same time sign a treaty of compulsory arbitration. It seemed to me, and I confess it candidly, that that plan was illogical and contradictory. I thus expressed it. But after considering it, upon listening to several remarks from distinguished Mexican publicists, I became convinced that said plan was correct; because we, who maintain an ample arbitration without restrictions, do not ignore the right of those who desire it to be limited or voluntary. We have, therefore, signed two treaties forming an inseparable whole: one formed by those who proclaim compulsory arbitration and the other by those who wish it to be voluntary: that is to say, in one way by some and in another by the others, but always in favor of arbitration; the fundamental principle thus triumphing not outside but within the Conference, without impairing the dignity of anybody and with the approval of all. This fact having



been accomplished, cannot be voted upon again, because it would be just as much as to request the verification of our signatures; and because there is no ground for discussion of these matters. I am pleased to see that those who have not signed the treaty, the ruling of which is being discussed, can do so at any time so that we might say that the whole of America proclaims peace and justice through arbitration. In this plausible work, the Mexican delegation, instructed in a noble manner by its illustrious Government, has taken a very important part, as well as the delegation of the United States of America. It is but right to express our appreciation and gratitude for the useful work to which they have so efficaciously contributed. The unselfish, calm and correct attitude of those who in such a frank and generous way have received us as their guests shall appear with brilliancy in the annals of the Second International Congress. To their constant efforts is due that the expressive emblem placed over the presidential chair with the motto, "Pax, Lex," has been realized, because the adoption of arbitration as an American principle means safety and equity that love and peace will bring about for the welfare of the nations. I wish, honorable Delegates, in my own name and in that of my country and Government, that, before we leave this noble and hospitable country, to which we owe inexpressible gratitude, because I lack words to express it; at any rate on my part, I wish that we could say very loudly that the

principle of arbitration has not been a failure in the Second International Conference; and that its white flag is waving over the summit of the mountains, over the waves of the sea and the rivers, over the whole continent, under the serene and cloudless sky of harmony and mutual respect of peace, and of the brotherhood of all the countries of America.

Mr. Pardo, Delegate of Mexico, said that in order to put an end to any feeling of uneasiness on the part of the Assembly, he would commence by stating that it was not his purpose to make a speech; in the first place, because this was not the occasion for one, and in the second, because he was the least fit for that purpose; but it was impossible for him to remain silent in the presence of the statement just made by the Delegate for Bolivia. He had desired to take advantage of the opportunity to acknowledge the efforts by which the delegations of the United States and of Mexico had succeeded in bringing about a conciliation upon the question of arbitration, which had threatened to endanger the success of the Conference, and to compel the Delegates who had come to take part in it to depart from this city without having accomplished the principal object for which they were convoked. Mr. Guachalla has stated, and we are very glad that he has done so, how painstaking and efficacious had been the effort of the delegations of the United States and of Mexico, for the purpose of arriving at the result which we have attained; but he has omitted to say, and it is but just

that the Mexican delegation should say it, that this result is due in a great measure to the generous deference of the Delegates, with whom the speaker has had the honor to confer on this delicate matter. Mr. Pardo has been a witness of the good will and of the spirit of conciliation, with which they have proceeded, and of the cordiality with which they have lent themselves to continue in the negotiations which these two treaties have brought about; the one of adherence to the Convention of The Hague, and that of Compulsory Arbitration, which by themselves are sufficient to demonstrate the importance and the complete success of the work of the Conference.

Mr. Buchanan said: Mr. President—I beg the further indulgence of the Chair, pending the final orders to carry out the ruling with regard to the document now upon the desk of this Conference, in order that I may give expression to that deep sense of satisfaction that I am sure would be felt by every delegation represented here, and by the republics they represent, if we could make effective on the part of all the delegations represented in this Conference, as it is effective to all intents and purposes, the recommendations covering the adherence to The Hague Conventions. Such an expression would be of greater lasting benefit to the relations existing between the republics represented here, and would do more than would anything else we might do toward cementing that cordiality, that good will, and that sincere friendship which in reality exist between all of



the Delegates and delegations represented here. With the deep belief that the results I have named can be accomplished, and with a feeling of entire confidence in the generous and patriotic impulses which move each Delegate and each delegation here present, toward doing everything they can that will make this Conference memorable in the annals of the history of the republics here represented, I beg, at this time, and pending the final orders of the Chair with regard to the document in question, to express my sincere conviction that these splendid results can now be accomplished in a manner satisfactory to all; consistent with the rights of each delegation, and in keeping with that elevated spirit of confraternity which has been shown in this Conference upon all occasions. The minutes of this Conference for the past two days show in the remarks officially made here by each of the distinguished Delegates of the Chilean delegation, and by the distinguished Delegate from Ecuador, their entire and hearty concurrence in the principles of The Hague Conventions, and their cordial and unqualified acceptance thereof. There is, therefore, on record in this Conference these facts; and to the end that these expressions of adherence on the part of the two distinguished delegations may have that proper, courteous and consistent weight and voice given to the similar expressions made in the Protocol in question on the part of their delegations, I respectfully request the Chair, in the name of the delegations who have signed the Protocol, and



with the consent of the distinguished delegation of Chile and that of Ecuador, to transmit with said Protocol the minutes of the two past days referred to, in order that the Protocol and the said minutes shall be communicated to the Minister of Foreign Affairs of Mexico in the form and manner expressed by said Protocol, requesting said Minister, in addition, that these documents be communicated to the respective Governments represented in this Conference as an expression of the general adherence to the Conventions of The Hague, and that these explanatory remarks shall be forwarded alike to said Ministry.

Mr. Blest Gana, Delegate for Chile, and Mr. Carbo, Delegate for Ecuador, expressed to Mr. Buchanan their gratitude for the support which he had given in favor of the adherence to the Treaties of The Hague, and in the name of their respective delegations accepted the proposition of the Delegate of the United States, because it fulfilled the desires expressed by them in the course of the debate.

The Chair, in view that the delegations of Chile and Ecuador had expressed their acquiescence in the ruling of the Chair, which had been under discussion during the last four sessions, and the carrying out of which had been proposed by Mr. Buchanan, Delegate of the United States, in the name of the remaining delegations which formed the Conference, ruled that when sending the project of the treaty and the petition signed by the fifteen delegations to the Department of Foreign Affairs of the Mexican Repub-

lic, the same should be accompanied by a certified copy of the minutes of the last sessions, as soon as they are approved, and of the present one, in so far as they bear on the subject, for the purpose of proving the unanimous adherence to the Conventions of The Hague, and that the same might be so communicated to the Governments represented in the Conference.

The Chair stated that the propositions of the delegations of Colombia and Chile were now in order for their discussion, but as, in his opinion, they should be considered as withdrawn, in view of the approval by those delegations of the ruling of the Chair, he requested them, nevertheless, to declare in a positive manner, if they agreed to the withdrawal of the said propositions.

General Reyes, Delegate for Colombia, and Bello Codecido, for Chile, stated that they withdrew their respective propositions, the last named adding that the delegation of Chile maintained the preamble, which served as the foundation for its adherence to the Treaties of The Hague.

The Chair ruled that the preamble referred to be published in the minutes of today's session (Annex No. 1).

The secretary read a note addressed to the Chair by the delegations of the Argentine Republic, Bolivia, Dominican Republic, Guatemala, Salvador, Mexico, Paraguay, Peru, Uruguay and Venezuela, who form the majority of those represented in the Conference, in which they communicate that they have con-

cluded a treaty of compulsory arbitration, besides the one of adherence to the Conventions of The Hague, and that they send the said treaty to the Conference, in order that as soon as it has taken knowledge of the same, it should transmit said treaty to the Department of Foreign Affairs of Mexico in order that it may be perfected. The treaty accompanying said note was also read, and both documents are added to these minutes as Annex No. 2.

The Chair ruled: That the Treaty of Compulsory Arbitration, signed by the majority of the delegations, be transmitted to the Department of Foreign Affairs of Mexico by the Secretary-General of the Conference, for the purpose stated in the communication of the delegations who have signed the same.

A note of Mr. Galavís, Delegate for Venezuela, was read, in which he stated that he had received a telegram from his Government under date of 14th instant, in which he was informed that the Venezuelan delegation was withdrawn. The Chair ruled that its receipt be acknowledged, expressing regrets.



TRANSLATION OF THE PROTOCOL OF  
ADHERENCE TO THE CONVENTIONS  
OF THE HAGUE.\*

WHEREAS, The Delegates to the International Conference of the American States, believing that public sentiment in the republics represented by them is constantly growing in the direction of heartily favoring the widest application of the principles of arbitration; that the American republics, controlled alike by the principles and responsibilities of popular government and bound together by increasing mutual interests, can, by their own actions, maintain peace in the Continent, and that permanent peace between them will be the forerunner and harbinger of their national development, and of the happiness and commercial greatness of their peoples; they have, therefore, agreed upon the following

PROJECT.

Article I. The American republics, represented at the International Conference of American States in Mexico, which have not subscribed to the three conventions signed at The Hague on the 29th of July, 1899, hereby recognize as a part of Public International Law the principles set forth therein.

Article II. With respect to the conventions which are of an open character, the adherence thereto will

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\*See Debate.



be communicated to the Government of Holland through diplomatic channels by the respective Governments, upon the ratification thereof.

Article III. The wide general convenience being so clearly apparent that would be secured by confiding the solution of differences to be submitted to arbitration to the jurisdiction of a tribunal of so high a character as that of the Arbitration Court at The Hague, and, also, that the American nations, not now signatory to the Convention creating that beneficent institution, can become adherents thereto by virtue of an accepted and recognized right; and, further, taking into consideration the offer of the Governments of the United States of America and the United States of Mexico, the Conference hereby confers upon said Governments the authority to negotiate with the other signatory Powers to the Convention for the Peaceful Adjustment of International Differences, for the adherence thereto of the American nations so requesting and not now signatory to the said Convention.

Article IV. In order that the widest and most unrestricted application of the principle of just arbitration may be satisfactorily and definitely brought about at the earliest possible day, and, to the end that the most advanced and mutually advantageous form in which the said principle can be expressed in a convention to be signed between the American republics may be fully ascertained, the President of Mexico is hereby most respectfully requested to as-

certain by careful investigation the views of the different Governments represented in the Conference regarding the most advanced form in which a General Arbitration Convention could be drawn that would meet with the approval and secure the final ratification of all the countries in the Conference, and, after the conclusion of this inquiry, to prepare a plan for such a General Convention as would apparently meet the wishes of all the republics; and, if possible, arrange for a series of protocols to carry the plan into execution; or, if this should be found to be impracticable, then to present the correspondence with a report to the next Conference.

MEXICO, January 15th, 1902.

TRANSLATION OF TREATY ON COMPULSORY  
ARBITRATION.

CITY OF MEXICO, January 29th, 1902.

Department of State and of Foreign Affairs.—  
Mexico.—Bureau for America, Asia, and Oceanica.

In order that it be published, together with other documents relating to the Conference, and in compliance with your request, I have the honor of transmitting to you herewith a copy of the Treaty on Compulsory Arbitration, signed by some of the delegations, which treaty was sent by you to this Department as a project, for the purpose of raising it to the category of an International Convention.

Please accept the expression of my high esteem.

(Signed)

MARISCAL.

*To the Secretary-General of the American International Conference.*

Article I. The High Contracting Parties obligate themselves to submit to the decision of arbitrators all controversies that exist, or may arise, among them, and which diplomacy cannot settle, provided that in the exclusive judgment of any of the interested nations said controversies do not affect either the independence or the national honor.

Article II. Independence or national honor shall not be considered as involved in controversies with regard to diplomatic privileges, boundaries, rights



of navigation, and validity, construction and enforcement of treaties.

Article III. By virtue of the power established in Article XXVI of the Convention for the Peaceful Adjustment of International Differences, signed at The Hague on July 29th, 1899, the High Contracting Parties agree to submit to the decision of the Permanent Court of Arbitration, created by such Convention, all the controversies referred to in the present treaty, unless either of the parties prefers the establishment of a special tribunal.

In the event that the High Contracting Parties should submit to the jurisdiction of the Permanent Court of The Hague, they accept the precepts of said Convention, both with respect to the organization of the tribunal as to its procedure.

Article IV. Whenever a special tribunal should be organized on any account, whether it is so desired by any of the parties, or because the Permanent Court of Arbitration of The Hague should not be opened to them, the procedure to be followed shall be established at the time the arbitration agreement is signed. The court shall determine the date and place of its sessions and the language to be used, and shall, in every case, be invested with the authority to decide all questions relating to its own jurisdiction and even those referring to the procedure of points not considered in the arbitration agreement.

Article V. If upon organizing a special tribunal the High Contracting Parties should not agree upon



the designation of the arbitrator, the tribunal shall consist of three judges. Each State shall appoint an arbitrator, who will designate an umpire. Should the arbitrators fail to agree on this appointee, it shall be made by the Government of a third State, to be designated by the arbitrators appointed by the parties. If no agreement is reached with regard to this last appointment, each of the parties shall name a different Power, and the election of the third arbitrator shall be made by the two Powers so designated.

Article VI. The High Contracting Parties hereby stipulate that, in case of a serious disagreement or conflict between two or more of them, which may render war imminent, they will have recourse, as far as circumstances allow, to the good offices or the mediation of one or more friendly Powers.

Article VII. Independently of this recourse, the High Contracting Parties consider it useful, that one or more Powers, strangers to the dispute, should on their own initiative, as far as circumstances will allow, offer their good offices or mediation to the States at variance.

The right to offer the good offices or mediation belongs to Powers who are strangers to the conflict, even during the course of hostilities.

The exercise of this right shall never be regarded by either of the contending parties as an unfriendly act.

Article VIII. The part of the mediator consists in

reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

Article IX. The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the methods of conciliation proposed by him are not accepted.

Article X. Good offices and mediation, whether at the request of the parties at variance or upon the initiative of Powers who are strangers to the dispute, have exclusively the character of advice, and never have binding force.

Article XI. The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying or hindering mobilization, or other measures of preparation for war. If mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

Article XII. In case of a serious difference endangering peace, and whenever the interested Powers cannot agree in electing or accepting as mediator a friendly Power, it is to be recommended to the States in dispute the election of a Power to whom they shall respectively entrust the mission of entering into direct negotiation with the power elected by the other interested party, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the contending Powers shall cease all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers.

If these friendly Powers do not succeed in agreeing on a solution that would be acceptable to those in conflict, they shall designate a third that is to act as mediator. This third Power, in case of a definite rupture of pacific relations, shall at all times be charged with the task of taking advantage of any opportunity to restore peace.

Article XIII. In controversies of an international nature arising from a difference of opinion on points of fact, the signatory Powers consider it useful that the parties who have not been able to come to an agreement by means of diplomacy, should, so far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of those differences, elucidating the facts by means of an impartial and conscientious investigation.

Article XIV. The International Commissions of Inquiry are constituted by special agreement. The agreement defines the facts to be examined, and the extent of the commissioners' powers, and settles the procedure to which they must limit themselves. On the inquiry both sides shall be heard, and the form and periods to be observed, if not stipulated by the agreement, shall be determined by the Commission itself.



Article XV. The International Commissions of Inquiry are constituted, unless otherwise stipulated, in the same manner as the Tribunal of Arbitration.

Article XVI. The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may deem possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

Article XVII. The above-mentioned Commissions shall limit themselves to ascertain the truth of the facts alleged, without entering into any other appreciations than those merely technical.

Article XVIII. The International Commission of Inquiry shall present its report to the Powers which have constituted it, signed by all its members. This report, limited to the investigation of facts, has in no manner the character of an arbitral award, and it leaves the contending parties at liberty to give it the value they may deem proper.

Article XIX. The constitution of Commissions of Inquiry may be included in the arbitration bonds, as a previous proceeding, to the end of determining the facts which are to be the subject of the inquiry.

Article XX. The present treaty does not abrogate any previous existing ones, between two or more of the contracting parties, in so far as they give greater extension to compulsory arbitration. Neither does it alter the stipulations regarding arbitration, relating to specific questions which have already arisen,



nor the course of arbitration proceedings which may be pending by reason of the same.

Article XXI. Without the necessity of exchanging ratifications, this treaty shall take effect so soon as three States, at least, of those signing it, express their approval to the Government of the United States of Mexico, which shall communicate it to the other Governments.

Article XXII. The nations which do not sign the present treaty, may adhere to it at any time. If any of the signatory nations should desire to free itself from its obligations, it shall denounce the treaty; but such denouncement shall not produce any effect except with respect to the nation which may denounce it, and only one year after the notification of the same has been made.

Whenever the denouncing nation shall have any arbitration negotiations pending at the expiration of the year, the denouncement shall not have any effect with reference to the case not yet decided.

#### GENERAL PROVISIONS.

1. This treaty shall be ratified as soon as possible.
2. The ratifications shall be forwarded to the Department for Foreign Relations of Mexico, where they shall be deposited.
3. The Mexican Government shall send a certified copy of each of them to the other contracting Governments.

In virtue whereof they have signed the present

treaty, and have attached their respective seals thereto.

Made in the City of Mexico, on the 29th day of January, 1902, in one single copy, which shall be deposited in the Department for Foreign Relations of the United Mexican States, a certified copy of which shall be sent, through diplomatic channels, to each of the contracting Governments.

INSTRUCTIONS TO THE UNITED STATES  
DELEGATES.

EXECUTIVE MANSION,

*Washington, October 8, 1901.**The Honorable Secretary of State.*

SIR: An International Conference of the American States having been proposed by the Executive Committee of the International Union of American Republics, to be held in Mexico in October, 1901, and the Government of the United States having accepted an invitation to send delegates thereto, my predecessor in office has designated as delegates to that Conference Henry G. Davis, of West Virginia; William I. Buchanan, of Iowa; Charles M. Pepper, of the District of Columbia; Volney W. Foster, of Illinois, and John Barrett, of Oregon.

The Commission above named will act under the direction of the Department of State, to which it will make all necessary reports, and which will arrange for the transportation and entertainment of its members and for such clerical service as it may require, in accordance with an Act of Congress making provision for this purpose.

The end toward which the proposed Conference is directed is the promotion of the mutual prosperity of the American republics, and of harmony between them. The interests likely to be affected by its dis-

cussions and conclusions are (1) political, (2) commercial, and (3) special. The general principles which should guide the Delegates in the performance of their duties may therefore be indicated under these heads.

#### I.—POLITICAL QUESTIONS.

The chief interest of the United States in relation to the other republics upon the American Continent is the safety and permanence of the political system which underlies their and our existence as nations—the system of free self-government by the people. It is, therefore, to be desired that all the American republics should enjoy in full measure the blessings of perfect freedom under just laws, each sovereign community pursuing its own course of orderly development without external restraint or interference. To this condition of security the peace and prosperity of all our neighbors will materially contribute. Every failure on their part to maintain social order, every economic distress which might give rise to domestic disturbance, every discord between them which could impede their industries, menace their stability, or bring upon them the calamity of foreign interference, would be a misfortune to us. It should, therefore, be the effort of this commission to impress upon the representatives of our sister republics of Central and South America that we desire, above all, their material prosperity and their political security, and that we entertain toward them no sentiments but those of friendship and fraternity.



The method by which this result may be best accomplished is not, however, that of direct assurance, (but of generous co-operation for the common good, and sincere interest in the efforts and aspirations of our neighbors to attain it. It is not, therefore, opportune for the Delegates of the United States to assume the part of leadership in the Conference, either in its official organization or in its discussions—a position which naturally belongs to Mexico, the inviting nation and host of the occasion. It is desirable that the plans and propositions of the Latin-American States should be solicited, received with consideration, and, if possible, brought to fruition—if this can be done in consonance with our national interests and without offense to other Powers. Great care should be taken not to wound the sensibilities of any of the republics, or to take sides upon issues between them, but to treat them with frankness, equity and generosity, and to disabuse their minds of any false impressions, if such exist, regarding the attitude and purposes of the United States.

Owing to the fact that the Executive Committee of the Union of American Republics is located in Washington, many of the preliminaries to the Conference have been conducted here, and the records of that committee show how careful its presiding officer, the Secretary of State, has been to avoid initiative, to leave all to the representatives of the Central and South American republics, and to har-

monize their differences of view in such a manner as to result in the presence of Delegates from all the countries invited to the Conference. This course of conciliation should be continued, if possible, throughout the Conference, and every effort made to secure the greatest possible unity of action.

With respect to political differences subsisting between the States of Central and South America, it is important for the commission to proceed with great caution. The general principle should be to enter as little as possible into these questions. At the same time it will be useful to impress upon all the deep interest which the Government of the United States has in the peace and tranquility of all the American States and in their territorial integrity. While no specific engagements or declarations should be made with regard to such questions, it is desirable to cause it to be generally understood that the quarrels of neighboring States cannot be without effect upon the interests of the United States, and that this Government would seriously condemn any attempt to destroy the territorial integrity or to encroach upon the sovereign rights of the existing States, or any conduct on their part which might tend to evoke such a calamity.

The attitude of the United States toward the special questions which have arisen in connection with the territorial difficulties between Chile and Peru will be considered in another place.

Nothing is of greater importance from a political

point of view than that the United States should be understood to be the friend of all the Latin-American republics, and the enemy of none. To this end it will be prudent to propose nothing radical, to favor a free expression of views among the Delegates of the other Powers, and to favor and support only such measures as have the weight of general acceptance, and clearly tend to promote the common good.

## II.—COMMERCIAL QUESTIONS.

With reference to questions of a commercial and industrial character, it is important to lay special stress upon the growing desire in the United States to secure the largest mutuality of interest, and to avoid even the semblance of an attempt to obtain unfair advantages for ourselves. The true interest of our people, it is being more and more generally admitted, lies in helping the Latin-American countries with our more advanced industries and our characteristic forms of energy to expand into strong and flourishing communities, and not in seeking to aggrandize ourselves at their expense. In developing closer relations with them, we should be most careful of their autonomy. The most beneficent form of Pan-Americanism for ourselves, as well as for our sister republics, will be found in a free local development over the entire Continent. If the influence of the United States spreads southward, it will be a pacific, not a hostile, influence.



We find in Mexico, the West Indies and Central America the most gratifying evidence of progress on the part, not only of our manufactures and other products, but of immigration from the United States and the investment of our capital in various forms of industrial enterprise. In Mexico this movement is most marked. Within the past few years our money has flowed into that country in a constantly swelling stream, and is now largely invested in railways, mining, and banking enterprises. The natural result has been a steady increase in friendliness and appreciation of us as a people, and we in turn have benefited greatly by the increase of trade which necessarily grows out of such conditions. In Central America the growth of our business relations is not so marked, but is encouraging. We are fast gaining ground in the trade of the West Indies, and are contributing to the financial and industrial interests of those islands.

The fact that our trade with South American countries remains nearly stationary is probably to be explained by their greater distance from us, the lack of transportation facilities, and the larger profits to be reaped by exporters in countries which can be reached more expeditiously, or more economically—as, for example, Mexico, Canada, and even the great commercial nations of Europe. It is found, however, that where our goods are properly introduced in South America, they obtain a ready sale and speedily become popular. If our manufacturers



are successfully competing with European industries by their increasing sale in the home markets of the latter, it would seem to be a foregone conclusion that they will also compete with them successfully in distant markets, such as South America; and we may assume that, if the proper means are provided, the volume of our trade with South America will soon grow to large proportions. These means are: Adequate transportation facilities, such as steamship lines, railroads, and an isthmian canal; reciprocal trade relations; participation in the business of banking, and a corps of commercial travelers specially equipped for the Latin-American trade. It is not impossible that, following such development, the magnificent conception of an international railroad connecting the United States with the remotest parts of South America may at last be realized. All such enterprises are deserving of encouragement, but the essential thing in the efforts of our commission at the Conference will be to cultivate a sympathetic spirit and endeavor to remove any prejudices that may exist against us as a people; thus sowing the seed of friendly relations, of business confidence, and of permanent feelings of good-will.

It is not unworthy of attention that the accentuation of our desire for increased commercial facilities may be misunderstood and awaken the feeling that in wishing to cultivate closer relations with our southern neighbors we are prompted by merely

mercenary motives. Such a misconception may be best avoided by giving prominence to the moral as well as the material advantages which these relations would bestow upon all the American nations in the development of their industries, and the greater stability of their institutions resulting from a better economic condition. Whatever advantages the extension of trade has to offer are of necessity reciprocal. By opening a wider market to our productions, our sister republics will greatly extend their own. It should be made clear to them that we shall naturally and almost inevitably take most from those who take most from us.

The policy of our Government is well and clearly expressed in the memorable address of our lamented President, delivered at Buffalo, in which he said:

“We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. \* \*

\* Reciprocity is the natural outgrowth of our wonderful industrial development.”

### III.—SPECIAL QUESTIONS.

I. *Programme*.—If a question should arise regarding the range and character of subjects to be discussed by the Conference, or the optional or obligatory nature of the tentative programme sent out by the Mexican Government, or the application of amendments thereto by the Executive Committee

of the Union of American Republics, the commission will hold that it is for the Conference to determine, according to the usual rules of deliberative bodies, its competence to take cognizance of and to discuss any matters which may be introduced by the Delegates pertinent to the objects for which the Conference is called.

2. *Arbitration*.—The Government of the United States is favorable to the pacific settlement of international disputes, and will be gratified to see provision for such settlement promoted and applied wherever practicable. In the discussion of this subject and in the formation of any convention that may be proposed relating to it, the commission will be guided by the following general principles: (1) All arbitration should be voluntary; (2) the choice of judges should be left to mutual agreement; (3) the locality in which a tribunal of arbitration is to act, in case one should be instituted, should not be definitely prescribed in a general convention.

3. *The disputes between Peru and Chile*.—While the policy of the United States in advocating the pacific settlement of disputes should be strongly impressed upon our Delegates, and clearly expressed by them upon proper occasion in the Conference, and while the attitude and declarations of the United States at The Hague demonstrate the interest of our Government in providing an international forum whereby two States, engaged in a



controversy otherwise irreconcilable, may have open to them a judicial means of determining the issue according to the principles of justice and with honor to both, it is not the province of a voluntary Conference to enforce the employment of these honorable means of settling differences. As regards the present disputes between Peru and Chile, therefore, we cannot support the view which would assert the competence of this Conference to assume the responsibilities of an arbitral board by taking cognizance of these disputes and providing in terms for their settlement. The delegation of the United States could not properly join in the assumption of any such function by the Conference, unless it should appear that such action were to be taken upon the request of both parties for the exercise of its good offices.

On the other hand, while our Government is not disposed to participate without the consent of both disputants in the reconciliation of their opposing interests, it cannot forego the privilege of discussing the general merits of arbitration, should the Conference decide to consider that subject, nor surrender the right to express opinions with regard to the extent of its theoretical application. It would be unreasonable to maintain that an impression as to the merits of a pending controversy should silence the discussion of general principles; but it would doubtless render such discussion fruitless to apply them, without general agreement, to a con-



crete case. The Delegates will, therefore, as their prudence may dictate, give such support to the principle of the pacific settlement of disputes as the occasion may seem to justify; but they will refrain from any effort to have the Conference take cognizance of any existing controversy with a view to its settlement, unless the good offices of that body are invoked by both the opposing parties. If such a controversy is brought by others before the Conference, they will do all in their power to preserve general harmony, and will maintain a strict neutrality.

4. *International Court of Claims.*—It has been thought that an organized tribunal for the adjustment of indemnity claims arising between the American republics may not be impracticable, and may constitute a distinct advance in the administration of justice by serving to adjust many vexatious differences of this nature which might not readily yield to diplomatic treatment. The expression, "Court of Claims," however, while convenient, is objectionable, partly because certain domestic courts bear that title, and partly because the name, as applied internationally, may easily give rise to misapprehension. A better designation, perhaps, would be a "Tribunal of International Equity," its precise purpose being to secure equity for those who are believed to have suffered injustice in a foreign country for which there is no existing judicial remedy.

The Government of the United States is favora-

ble in principle to the establishment of such a tribunal for the American republics, if it is found practicable, but the form in which it should be constituted presents a serious difficulty. It is desirable, if possible, to avoid the well-known evils of mixed commissions, and it would be a great convenience to have a well-conceived permanent tribunal, to which questions of indemnity might be referred without the delay of forming a special board of arbitration. The general principles already named under the head of arbitration would also have application here. The constitution of The Hague Tribunal may suggest a general plan of organization, particularly as regards its representative idea, each constituent Power furnishing one or more members, with provision for constituting a particular bench of judges *ad hoc*, composed of one, three, five, or seven persons, according to the importance of each particular case. The Government of the United States has no special plan to offer, however, believing it to be preferable that proposals and projects upon this subject should come from the other American States. The success of such a tribunal would depend largely upon the personnel of the court as actually constituted, and the public acceptance of its earliest decisions. Opposition would, no doubt, be diminished if the plan presented should be of a tentative character, leaving details to subsequent evolution, as experience might justify. In case a general convention should be formulated by the Conference, it would add to the probability of

its general ratification, if the experiment should be for a limited time, and should embody nothing compulsory. Every successful effort to accomplish its purpose would then strengthen its support and gradually commend it to public confidence.

5. *Bureau of American Republics*.—Regarding the reorganization of the Bureau of American Republics, included in the tentative programme, the Department of State has no special suggestions to make. The reorganization contemplated has doubtless appeared desirable from the experience of the Bureau in dealing with the interests committed to its supervision, and the Director, who has probably ascertained the views of the Executive Committee, will be best qualified to offer suggestions upon this subject.

In conclusion, it is hoped that the personal contact and exchange of views for which the Conference affords occasion may tend to tighten the bonds of friendship and good understanding between all the republics represented, and give new assurance of the relations of mutual good-will and helpfulness which it is designed to cultivate. The Delegates will not fail to convey to the President and Government of Mexico the pleasure felt by this Government in accepting the hospitality generously extended to the representatives of the United States, and the gratification afforded by the relations of amity and cordial intercourse now existing between the two republics. Very respectfully,

(Signed)

THEODORE ROOSEVELT.

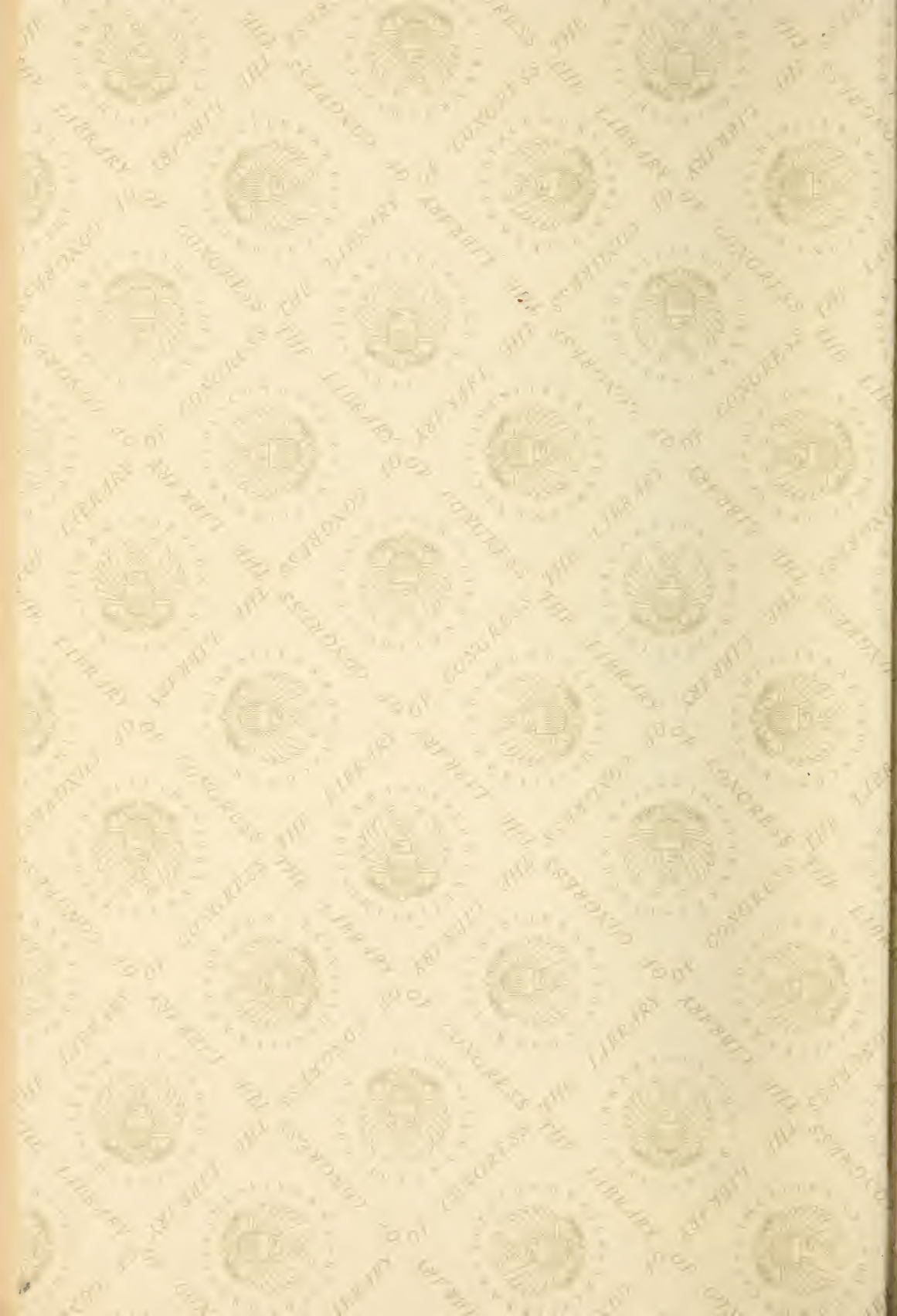








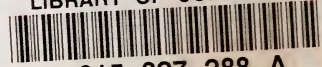








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